U.S. Army Corps of Engineers - Omaha District

Finding of No Significant Impact
&
Tiered Environmental Assessment

PUBLIC LAW 84-99
REHABILITATION PROGRAM

Dry Creek Flood Risk Reduction Project
Hawarden, Sioux County, Iowa — November 2014

PROJECT — **DATE**

Report Documentation Page

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Tiered Environmental Assessment

Public Law 84-99 Rehabilitation Program

1.0 Introduction

In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a Programmatic Environmental Assessment (PEA) for the Public Law (PL) 84-99 Rehabilitation Program in the U.S. Army Corps of Engineers, Omaha District (Corps) was finalized on December 27, 2011 and is incorporated by reference herein. This project-specific NEPA review is tiered off the programmatic document to determine if the proposed repairs meet the description and criteria of the Recommended Alternative as described in the PEA.

This tiered assessment meets the requirements of the NEPA of 1969, as amended (42 U.S. Code [USC] 4321 et seq.); the President's Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] 1500 – 1508) and Corps Engineer Regulation (ER) 200-2-2 (33 CFR 230).

In June 2014, record rainfall in South Dakota, Minnesota, and northwestern Iowa caused unprecedented flooding along the Big Sioux River. High flows from the Big Sioux River and coinciding increased flow velocities in Dry Creek that caused erosion of its left and right bank and created a scour hole in the channel invert downstream of a sheet pile control structure in the creek. Dry Creek is protected by a right and left bank levee unit. The right bank levee provides protection to the City of Hawarden to the north and the left bank levee protects agricultural land to the south.

1.1 Purpose and Need

The purpose of the PL 84-99 Emergency Levee Rehabilitation Program is to provide emergency assistance to levee districts and communities (project sponsors) in the form of levee repair and/or flood damage reduction as directed by Congress (33 U.S.C. 701n). The PL 84-99 Program is described in detail in ER 500-1-1 (Corps, 2001). The Hawarden, Iowa Dry Creek Flood Risk Reduction Project is a PL 84-99 project and its purpose is to restore the conditions of Dry Creek to pre-disaster conditions to repair the level of flood protection provided by both levees.

Emergency assistance is needed to repair bank erosion and fill in the scour hole in the channel invert of Dry Creek. The bank erosion and scour hole, overtime, could cut into both left and right bank levees and impair their effectiveness during future flood events. The proposed repairs to Dry Creek are needed to repair the level of flood protection provided by both levees..

1.2 Project Location

Dry Creek is a left bank tributary of the Big Sioux River. It is located on the southern edge of Hawarden, Iowa in Sioux County. Bank erosion and a scour hole were observed downstream of the sheet pile control structure of Dry Creek at channel Station 50+38.57C to Station 50+78.57C. Figures 1 shows the location of Sioux County, the county in which the proposed project area is located. Figure 2 shows the location of the proposed project area in Hawarden, Iowa.

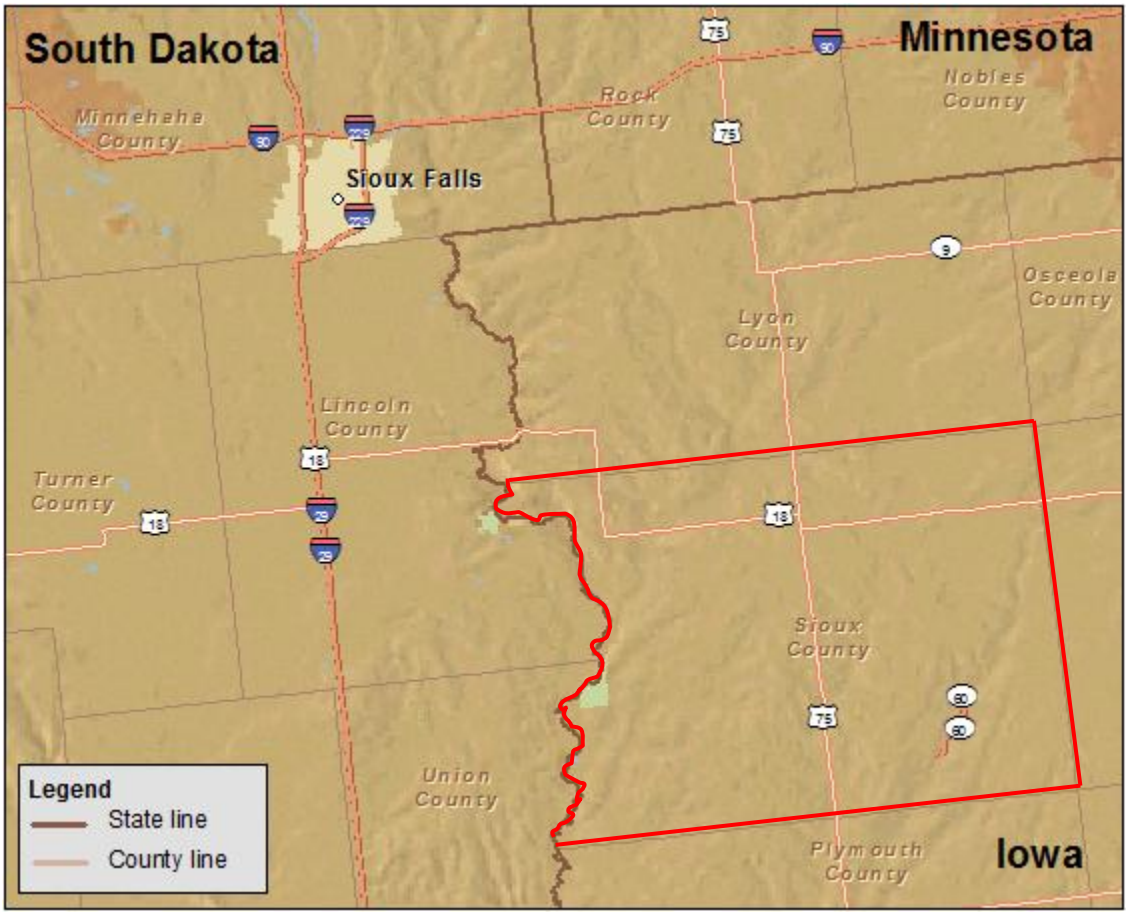

Figure 1. Location of Sioux County in Iowa (outlined in red), the county in which the proposed project area is located.

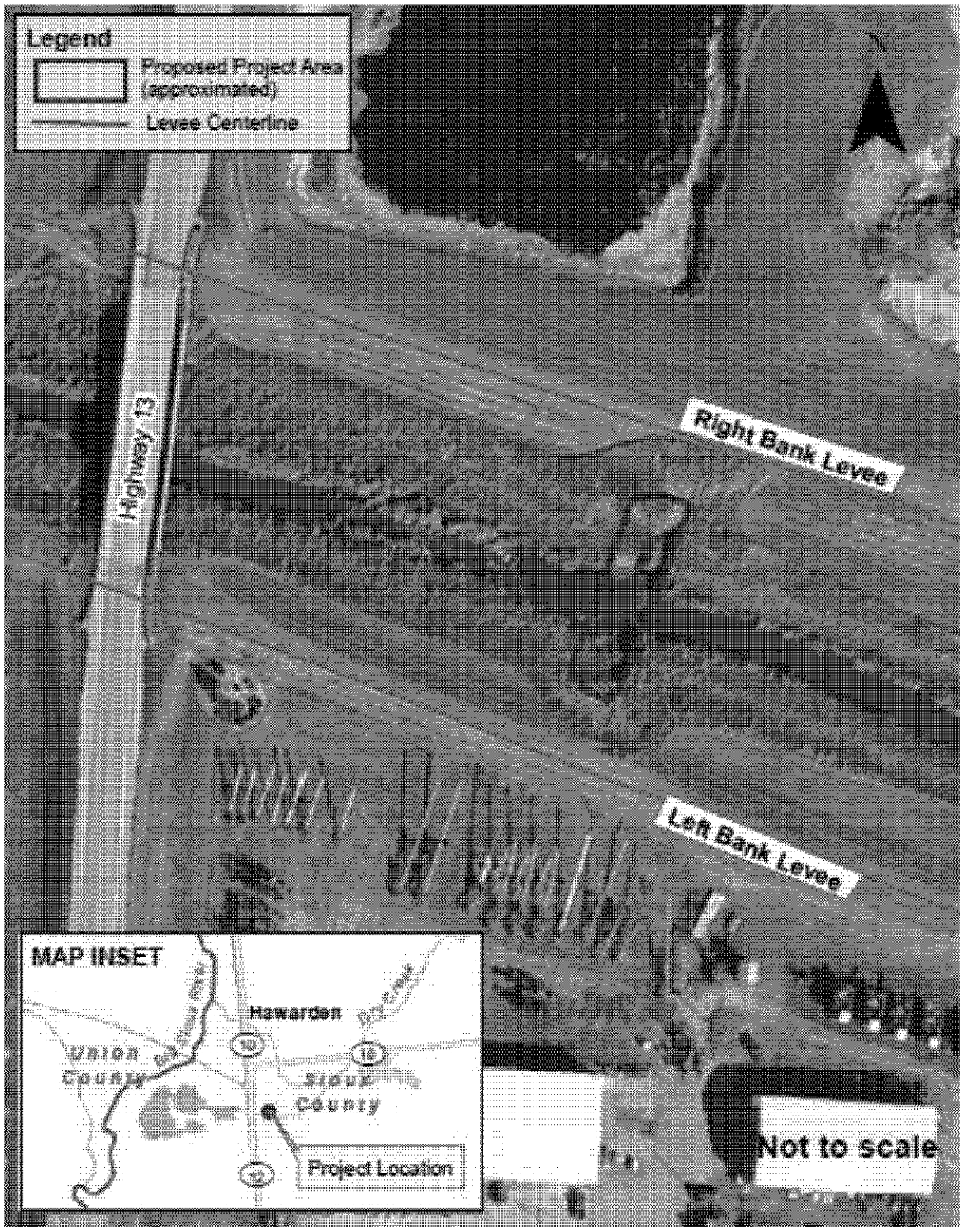

Figure 2. Proposed project area (blue polygon), located at Station 50+38.57C to Station 50+78.57 C, in Hawarden, Iowa. Map is not drawn to scale.

2.0 Alternatives

The PEA examined a full range of alternatives under the PL 84-99 Rehabilitation Program in order to determine which alternative best met the purpose and need on a programmatic level. The alternatives examined in the PEA are provided in Table 1 for reference. Non-structural measures were considered at this location; however, it was determined that implementation of non-structural measures would be constrained in the damaged area because the local levee sponsor and present landowners desire to continue existing use of the associated land. Therefore, the Non-Structural Flood Recovery/Floodplain Management Alternative was eliminated from the detailed analysis of the proposed project area. The alternatives retained for detailed analysis include the No Action Alternative and the Structural Repair Alternative.

Table 1. PEA Alternatives.

PEA Alternative Actions under PL 84-99 Program	Description of Alternative
Alternative 1 - No Action	No levee repair assistance from the PL 84-99 Program Local Sponsor would repair levee to pre-disaster conditions at full cost
Alternative 2 - Structural Repairs	Repair of damaged non-Federal and Federal levees after high flow events through in-place repairs and/or minor levee setbacks Repairs limited to restoring the same level of flood risk management that existed prior to damages
Alternative 3 - Non-Structural Responses	Flood risk management provided by modifying structures and property to reduce damages during flood events Examples include: relocating structures, buyouts, elevating structures, and providing ring levees
Alternative 4 - Combination of Structural Repairs and Non-Structural Responses	Flexibility to use either structural repairs or non-structural repairs (as described above), or a combination thereof depending on site-specific needs

2.1 No Action Alternative

Under the No Action Alternative, the federal action (PL 84-99 assistance) would not occur. Without PL 84-99 assistance, it is anticipated that the local levee sponsor, the City of Hawarden, would perform the repairs to Dry Creek at their own expense. As indicated in the PEA, it is reasonable to assume the local levee sponsor would choose to repair damages at Dry Creek in the

absence of federal assistance due to the high value of protection both Hawarden left and right bank levees provide the City of Hawarden and adjacent agricultural fields.

2.2 Structural Repair Alternative (Recommended Alternative)

The PEA Recommended Alternative provides the greatest flexibility to repair levees by recommending a site-specific determination whether to implement structural repairs, non-structural repairs, or a combination thereof. The site-specific determination to use structural responses to repair the bank erosion and scour hole in Dry Creek is therefore consistent with the PEA recommendation.

The Recommended Alternative for this project consists of reshaping both left and right banks of Dry Creek where erosion occurred and placement of new rip-rap to stabilize the banks. Approximately 100 cubic yards of bank material would be excavated to reshape both left and right banks to one vertical on three horizontal side slopes and overlain with geotextile membrane. Prior to reshaping, approximately 1,000 square feet of clearing and grubbing would occur. All excavated material from reshaping activities would be hauled away to an approved off site upland disposal area. New quarried riprap would be placed on the reshaped banks with slope lengths varying from 20 - 40 feet. In the channel invert, an approximately four foot deep (maximum) scour hole would be filled using specified underwater fill material (new gravel). An approximated total of 500 tons of new stone/ gravel (340 tons underwater and 160 tons above water) would be used during construction of the proposed repairs. Figures 3 - 5 provide a depiction of the bank erosion and location of the scour hole at the proposed project area.

Figure 3. Left bank erosion downstream of the sheet pile control structure at Dry Creek.

Figure 4. Right bank erosion downstream of the sheet pile control structure at Dry Creek.

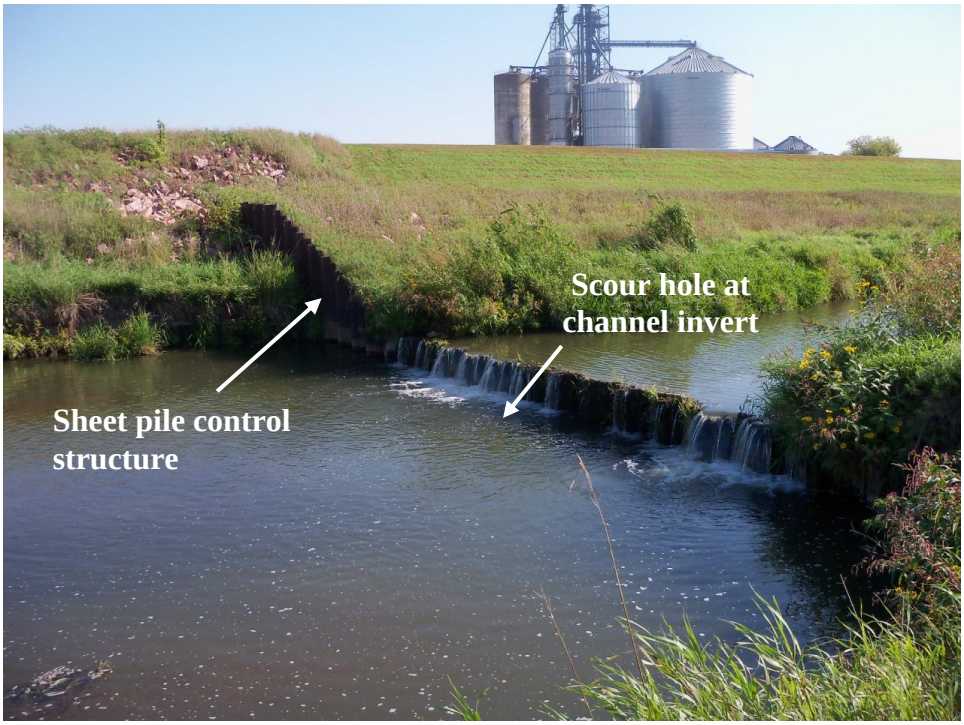

Figure 5. The sheet pile control structure at Dry Creek. Directly downstream of the control structure is the four foot deep scour in channel invert.

3.0 Affected Environment and Environmental Consequences (Impacts)

The PEA provides an impact analysis of a range of environmental resources from a regional/programmatic perspective. This document, tiered from the PEA, provides a more detailed impact analysis where it was determined an additional site-specific analysis was needed to determine if the proposed project would have impacts beyond those described in the PEA or if additional analysis was necessary to determine compliance with environmental laws and regulations. Water quality, wetlands, migratory birds, threatened and endangered species, and cultural resources are included in this site specific analysis. Other natural resources either do not exist in the project's affected environment or are adequately addressed within the PEA.

This section presents the adverse and beneficial environmental effects of the Recommended Alternative and the No Action Alternative. This section is organized by resource category with the effects of alternatives combined under each resource category. Impacts are quantified whenever possible. Qualitative descriptions of impacts are explained by accompanying text where used.

Qualitative definitions/descriptions of impacts as used in this section of the report include:

- Intensity
    - Minor – noticeable impacts to the resources in the project area, but the resource is still mostly functional
    - Moderate – the resource is impaired so that it cannot function normally
    - Major – the resource is severely impaired so that it is no longer functional in the project area

- Duration
    - Short term – temporary effects caused by the construction and/or implementation of the selective alternative
    - Long term – caused by an alternative after the action has been completed and/or after the action is in full and complete operation.

3.1 Water Quality

Section 303(d) of the Clean Water Act (CWA) requires states to evaluate water quality conditions in designated waterbodies, and list as impaired, any waterbodies not meeting water quality standards. As appropriate, states must develop and implement Total Maximum Daily Loads (TMDLs) or pollutant management plans for water bodies identified as impaired. No TMDLs or pollutant management plan is available for Dry Creek.

Dry Creek is classified by the Iowa Department of Natural Resources (IDNR) as a Category 5b impaired waterbody based on the results of biological monitoring and a fish kill investigation. Biological monitoring performed by the IDNR suggests impairment due to the waterbody's inability to support a viable aquatic community at low-flow conditions. The results of a fish kill

investigation, also conducted by the IDNR in September 2003, suggested impairment due to low levels of dissolved oxygen from an unknown cause. The point source of low levels of oxygen was a backwater of Dry Creek, located southwest of Hawarden, Iowa, legal description NW1/4 of the SW1/4 of Section 2, Township 94N, Range 48W, Sioux County. Approximately 1,501 fish, including common carp and a single crappie were killed. An estimated affected area was never determined.

This kill and similar kills that occurred in smaller streams in northwestern Iowa were believed to be related to rainfall events or events that followed a prolonged dry period. None of the fish kill investigations for these waterbodies suggest a specific pollutant-related cause. For more information on the water quality analysis of Dry Creek, please visit: https://programs.iowadnr.gov/adbnet/assessment.aspx?aid=14862

Recommended Alternative

Impacts to water quality from the Recommended Alternative would be minor and short-term. Temporary increases in turbidity would occur during the reshaping of the left and right bank and placement of new riprap. Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES) permit (*i.e.*, silt trapping devices) would be implemented as required to minimize turbidity. Unintentional introduction of contaminants to the waterway from construction work is a potential effect that would be minimized with additional BMPs such as using properly cleaned equipment, storing petroleum products in bermed areas out of the watershed, and covering stockpiled materials.

The CWA requires preparation and submission of a general storm water permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP) before construction activities can begin. The SWPPP would be based on the BMPs. Following construction, areas disturbed and not otherwise hard-surfaced, would be topsoiled and stabilized with a native seed mixture to minimize erosion. Thus, there would be no significant impacts to water quality at the project location from implementation of the Recommended Alternative.

No Action Alternative

Under the No Action Alternative, it is assumed that necessary repairs would be made by the local levee sponsor, the City of Hawarden. This would result in the potential for minor and short term construction related impacts to water quality due to site runoff and other construction activities - similar to the Recommended Alternative. Use of BMPs required by the NPDES permit and SWPPP would minimize the potential for contaminants from entering the waterway. As such, no significant impacts to water quality would result from the No Action Alternative.

3.2 Wetlands

National Wetlands Inventory (NWI) maps were used for an offsite determination of potential impacts to wetlands and other waterbodies from construction. An NWI map revealed that no wetlands were located in the proposed area. This map is provided in Figure 6.

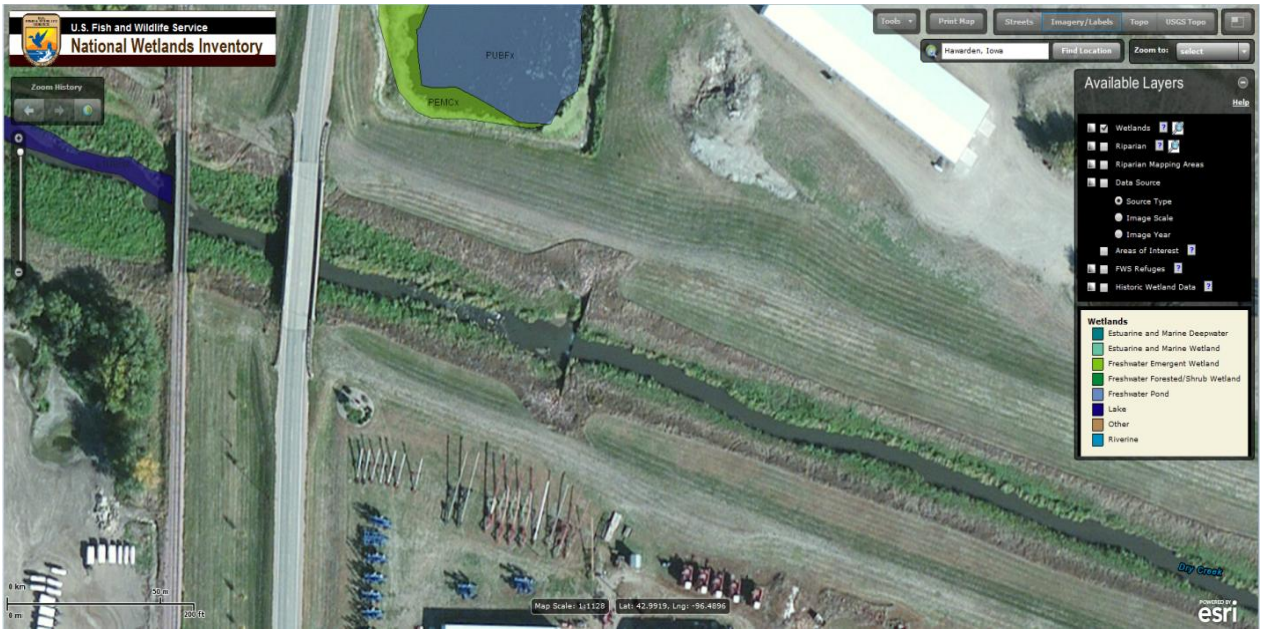

Figure 6. NWI map of the proposed project area indicates no wetlands in the area.

A site visit to the proposed project area was conducted on October 31, 2014 to confirm the findings of the offsite determination. The proposed project area consists of an upland plant community dominated by smooth brome (*Bromus inermis*) and shrub-scrub community along the creek consisting primarily of reed canary grass (*Phalaris arundinacea*) and smartweed (*Polygonum* spp.). Plant communities are the same on both left and right banks. An image of vegetation in the portion of the proposed project area where banking reshaping will occur is provided in Figure 7. An image of the upland plant community, where rock will be placed is provided in Figure 8.

Figure 7. Right bank scour and vegetation located downstream of sheet pile control structure. Photo taken October 31, 2014.

Figure 8. Upland vegetation of both left and right banks in areas previously disturbed by rock. New riprap will be placed in areas where rock once existed to restabilize the banks. Photo taken October 31, 2014.

Recommended Alternative
Under the Recommended Alternative, there would be no impacts to wetlands because no wetlands are located in the proposed project area. Overall, the proposed project area was previously disturbed from the original construction of both right and left bank levees. Also, the repair work would impact less than one-tenth of an acre below the Ordinary High Water Mark. The proposed repairs are considered a form of on-going project maintenance conducted in order to maintain the function of both left and right bank levees.

A Nationwide Permit 3 (NWP 3) would authorize the use of fill for this project. A NWP 3 authorizes the repair, rehabilitation, or replacement of any previously authorized currently serviceable structure or fill, provided that the structure or fill is not to be put to uses differing from those originally authorized. The Corps Rock Island District Office confirmed in an email dated October 3, 2014, that the use of a NWP 3 was appropriate for this scope of work. This permit includes blanket Section 401 Water Quality Certification from the IDNR, which they granted April 18, 2012. A copy of the IDNR Section 401 Water Quality Certification and general conditions of the NWP 3 are provided in Appendix D.

No Action Alternative
Under the No Action Alternative, it is assumed that the necessary repairs would be performed by the local levee sponsor, the City of Hawarden. This would result in impacts similar to the Recommended Alternative. It is believed that the local levee sponsor would obtain the necessary permits prior to any undertaking. The City of Hawarden would be required to coordinate with the Corps' Rock Island District regulatory staff to obtain Section 404 authorization for the proposed fill and Section 401 Water Quality Certification from the State of Iowa. As such, no significant impacts to wetlands or waters of the United States would result from the No Action Alternative.

3.3 Migratory Birds

On a site visit conducted October 31, 2014, sparrows (*Passer domesticus*) were observed perching on an isolated shrub and dead, standing vegetation in the area. It is likely the proposed project area may also be used by other seasonal migrants or year-round migratory birds for nesting, resting, feeding, and shelter.

Federal agencies are subject to the provisions of the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-711) which regulates the take of any migratory bird species. Pursuant to the MBTA and Bald and Golden Eagle Protection Act (BGEPA), assessments are conducted when trees are proposed for removal or native grasses are proposed to be disturbed during sensitive nesting times (February to July for raptors, and April to July for songbirds) to determine if there would be any potential effects to nesting birds.

Recommended Alternative
Noise created from construction of the proposed project may cause birds to temporarily relocate from the proposed project area until construction is complete. This noise may also cause birds that utilize areas upstream and downstream of the proposed project area to temporarily relocate as well. Upon completion of construction, it is anticipated that birds would return to the area.

To minimize potential impacts to migratory birds and their nests, clearing and grubbing of vegetation would occur outside of the sensitive migratory bird nesting season. Should clearing and grubbing be proposed within the sensitive migratory bird nesting season, a qualified biologist would conduct a field survey of the affected habitats not more than five days prior to construction to determine the presence or absence of nesting migratory birds. If nesting migratory birds are identified, the USFWS and IDNR would be immediately contacted for guidance and assistance on how to proceed in order to avoid impacting nesting birds. As such, the proposed project would not significantly impact migratory birds.

No Action Alternative

Under the No Action Alternative, it is assumed that the necessary repairs would be performed by the local levee sponsor, the City of Hawarden. Noise, similar to the Recommended Alternative, would occur and likely cause birds to temporarily relocate until construction is complete. Like the Recommended Alternative, once construction is complete, birds would return to the proposed project area. For clearing and grubbing of vegetation, it is unknown if the local levee sponsor would conduct pre-construction surveys for nesting birds. As such, migratory birds could be adversely affected by the No Action Alternative.

3.4 Threatened and Endangered Species

Consistent with recommendations contained in the PEA, no site-specific evaluations for endangered or threatened species are currently needed at the proposed project area because the species listed in Sioux County are not found at the proposed project area. The following species are listed as Federally and State threatened or endangered in Sioux County, Iowa and would not be adversely affected by the proposed project:

3.4.1 Prairie Bush Clover, *Lespedeza leptostachya* (Federally and State Threatened)

Prairie bush clover, historically, once existed in Sioux County; although, there are no extant records of this species (USFWS, 1988). This species prefers mesic, tallgrass habitats that are typically undisturbed and have retained a majority of their original, prairie native species (Sather, 1990). The proposed project area lies between two levees whose vegetation is regularly maintained, except for vegetation at the levee toes, where rock is located. Vegetation at the levee toes is dominated by smooth brome, which was likely planted for stabilization of the levees. Smooth brome is a fast growing perennial known for becoming weedy or invasive in most plant communities and for displacing desirable or pristine vegetation (U.S. Department of Agriculture; USDA, 2002). The reed canary grass found along Dry Creek behaves similarly to smooth brome. Reed canary grass is a highly aggressive plant species also known to displace desirable or pristine vegetation (USDA, 2002). Overall, regular disturbance and aggressive vegetation in the area do not provide adequate growing conditions for the growth of prairie bush clover. It is likely that the current vegetation in the project area would outcompete the growth of this species; therefore, it is unlikely the proposed construction would adversely affect the prairie bush clover.

3.4.2 Western Prairie Fringed Orchid, *Platanthera praeclara* (Federally and State Threatened)

The Western prairie fringed orchid occurs in mesic to wet unplowed tallgrass prairies. The regular disturbance and aggressive vegetation in the area do not provide adequate growing conditions for the growth of this species. Similar to the prairie bush clover, it is likely the current vegetation in the project area would outcompete the growth of the western prairie fringed orchid; therefore, it is unlikely the proposed construction would adversely affect this species.

Recommended Alternative
The threatened prairie bush clover and endangered western prairie fringed orchid species are not likely to occur in the proposed project area; therefore, no impacts to these species would occur. In addition, an email from the USFWS, dated October 2, 2014, stated the Service concurred with the Corps "no affect" determination on federally listed species in the proposed project area. USFWS's response was based on an email from the Corps, dated September 29, 2014, that described the proposed project and provided names of threatened and endangered species listed in Sioux County, Iowa, which included a preliminary determination of "no affect" for those listed species. Another email, dated November 3, 2014, provided by the IDNR Great Lakes District stated they had no additional comments or concerns regarding the presence of threatened and endangered species in proposed project area. Coordination with USFWS and IDNR can be referenced in Appendix B.

No Action Alternative
Under the No Action Alternative, it is assumed that repairs similar to the Recommended Alternative would be undertaken by the local levee sponsor, the City of Hawarden. Since the mentioned threatened or endangered species are not likely to occur within the proposed project area, no impacts to these listed species are anticipated.

3.5 Historic Properties and Cultural Resources

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account historic and cultural resources that potentially could be impacted from the construction of the proposed project. A cultural resources background review of the proposed project area was conducted by an Omaha District Cultural Resources Specialist on October 22, 2014, which consisted of a file search of the Office of the State Archaeologist's database. No record of cultural resources or historic properties was identified within the Area of Potential Effect (APE) for repairs. The proposed work will take place in a previously disturbed area, with no original stratigraphy; therefore, it is anticipated the proposed project, as described, will have no potential to affect historic properties or cultural resources.

Recommended Alternative
An email prepared by the Corps, dated September 29, 2014, was sent to an Omaha District Cultural Resources Specialist requesting a review of cultural resources potentially found in the proposed project area. In addition, it was mentioned that the Hawarden, Iowa Flood Risk Reduction Project was constructed over approximately 50 years ago and in need of repairs, as a result of the 2014 Big Sioux River Flood. The email also indicated that the area has long been

disturbed from the construction of the original levee project. An email, dated October 22, 2014, from a Corps Omaha District, Cultural Resources Specialist stated that no cultural or histories sites were identified within the APE. Coordination with the Corps Omaha District, Cultural Resources Specialist is provided in Appendix B.

In the unlikely event of an unanticipated discovery of cultural resources, construction work would be halted immediately and a district archeologist would be notified. The construction work would not be re-initiated until the area is inspected by a staff archeologist and he or she determines it is safe to do so. If he or she determines that the discovery requires further consultation, the appropriate State Historic Preservation Office would be notified.

No Action Alternative
Under the No Action Alternative, no adverse affects to cultural resources would occur for the same reasons stated for the Recommended Alternative.

4.0 Cumulative Impacts

Cumulative impacts from the PL 84-99 Rehabilitation Program were addressed in the PEA and were determined to be non-significant. PEA cumulative impact assessments include potential cumulative impacts from site-specific projects such as the Hawarden, Iowa Dry Creek Flood Risk Reduction Project. Construction of the proposed project is considered a form of maintenance that would simply return the proposed project area to its pre-existing conditions. The proposed repairs would restore the integrity of both Hawarden left and right bank levee units.

5.0 Coordination and Comments

Coordination was conducted with Federal and State resource agencies through the PEA to ensure compliance with all applicable laws, policies, and regulations. Federal and State agency comment letters associated with the PEA are contained within the Corps Planning Section's files and are available upon request.

For the proposed project discussed in this tiered EA, coordination with Federal and State resource agencies began September 29, 2014 for input on the Recommended Alterative and to ensure environmental compliance with all applicable laws. Coordination with the USFWS – Columbia, Missouri Field Office and IDNR Great Lakes District occurred to ensure no significant impacts to species of special concern would result from the proposed construction of repairs to Dry Creek. The Corps also coordinated with an Omaha District Cultural Resources Specialist to ensure no significant impacts would occur to any cultural resources or historic properties. In addition, Rock Island District regulatory staff were consulted to ensure that no adverse impacts to wetlands or waters of the United States would occur and for concurrence on the use of a NWP 3. All correspondence can be referenced in Appendix B.

6.0 Compliance with Other Environmental Laws

NWO Programmatic EA	Compliance
SOP for Selection of Borrow Sites	Not Applicable
Regulatory Authorization Obtained	Full Compliance
Section 401 State Water Quality Certification	Full Compliance
Section 402 Stormwater NPDES Permit	Full Compliance

Federal Laws and Polices	Compliance
Archeological Resources Protection Act, 16 U.S.C. 470, est seq.	Full Compliance
Bald and Golden Eagle Protection Act (16 U.S.C. Sect. 668. 668 note, 668a-66d)	Full Compliance
Clean Air Act, as amended, 42 U.S. C. 7401-7671g, et seq.	Full Compliance
Clean Water Act (Federal Water Pollution Control Act), 33 U.S.C. 1251, et seq.	Full Compliance
Endangered Species Act, 16 U.S.C. 1531, et seq.	Full Compliance
Federal Water Project Recreation Act, 16 U.S.C. 4601-12, et seq.	Full Compliance
Fish and Wildlife Coordination Act, 16 U.S.C. 661, et seq.	Full Compliance
Land and Water Conservation Fund Act, 16 U.S.C. 4601-4, et seq.	Not Applicable
Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 as amended)	Full Compliance
National Environmental Policy Act, 42 U.S.C. 4321, et seq.	Full Compliance
National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470a, et seq.	Full Compliance
Rivers and Harbors Act, 33 U.S.C. 403, et seq.	Full Compliance
Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001, et seq.	Full Compliance
Farmland Protection Policy Act, 7 U.S.C. 4201, et. seq.	Full Compliance
Protection & Enhancement of the Cultural Environment (Executive Order 11593)	Full Compliance
Floodplain Management (Executive Order 11988)	Full Compliance
Protection of Wetlands (Executive Order 11990)	Full Compliance
Environmental Justice (Executive Order 12898)	Full Compliance
Invasive Species (Executive Order 13122)	Full Compliance
Responsibility of Federal Agencies to Protect Migratory Birds (Executive Order 13186)	Full Compliance

The proposed project has been evaluated and determined to be in compliance with the Programmatic Environmental Assessment for PL 84-99 Rehabilitation Program dated December 27, 2011.

NOTES: a. Full compliance - Having met all requirements of the statute for the current stage of planning (either preauthorization or post authorization). b. Not applicable - No requirements for the statute requirement.

6.0 Preparer

This EA and FONSI were prepared by Ms. Amanda Ciurej, Environmental Resources Specialist. The address of the preparer is: U.S. Army Corps of Engineers, Omaha District, 1616 Capitol Avenue, Omaha, Nebraska 68102, Attention: CENWO-PM-AC.

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7.0 Literature Cited

U.S. Army Corps of Engineers. 2011. Public Law 84-99 Emergency Levee Rehabilitation and Advanced Measures Civil Emergency Program Programmatic Environmental Assessment. U.S. Army Corps of Engineers, Omaha District. 27 Dec 2011.

U.S. Army Corps of Engineers. 2001. Civil Emergency Management Program. ER 500-1-1.

U.S. Department of Agriculture, Natural Resources Conservation Service. "Reed Canarygrass *Phalaris arudinacea* L." Fact sheet. U.S. Department of Agriculture, Natural Resources Conservation Service Plant Materials Program. 05 Feb 2002.

U.S. Department of Agriculture, Natural Resources Conservation Service. "Smooth Brome *Bromus inermis* Leyss." Fact sheet. U.S. Department of Agriculture, Natural Resources Conservation Service Plant Materials Program. 01 Feb 2002.

U.S. Fish and Wildlife Service. 1996. *Platanthera plaecara* (western prairie fringed orchid) Recovery Plan. U.S. Fish and Wildlife Service, Ft. Snelling, Minnesota. vi + 101pp.

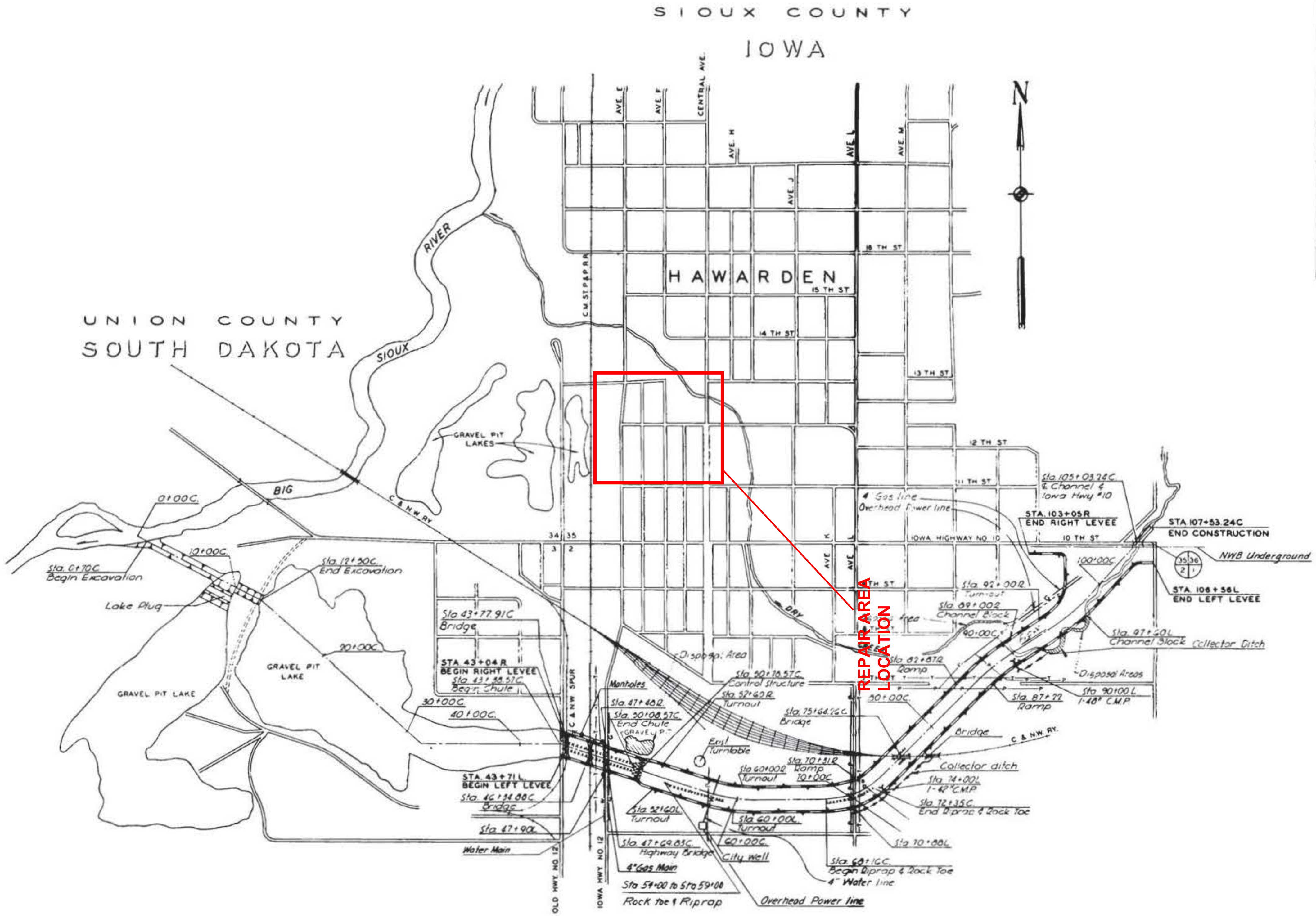
U.S. Fish and Wildlife Service. 1988. *Lespedeza leptostachya* Recovery Plan. U.S. Fish and Wildlife Service, Twin Cities, Minnesota. 41pp.

8.0 Acronyms

APE	Area of Potential Effect
BGEPA	Bald and Golden Eagle Protection Act
BMP	Best Management Practices
CEQ	Council of Environmental Quality
CFR	Code of Federal Regulation
Corps	U.S. Army Corps of Engineers
CWA	Clean Water Act
EA	Environmental Assessment
EPA	Environmental Protection Agency
ER	Engineer Regulation
FONSI	Finding of No Significant Impact
IDNR	Iowa Department of Natural Resources
MBTA	Migratory Bird Treaty Act
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetland Inventory
NWP	Nationwide Permit
PEA	Programmatic Environmental Assessment
PL	Public Law
SHPO	State Historic Preservation Officer
SWPPP	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
USC	U.S. Code
USFWS	U.S. Fish and Wildlife Service

APPENDIX A

PROJECT DESIGN MAPS



PLAN

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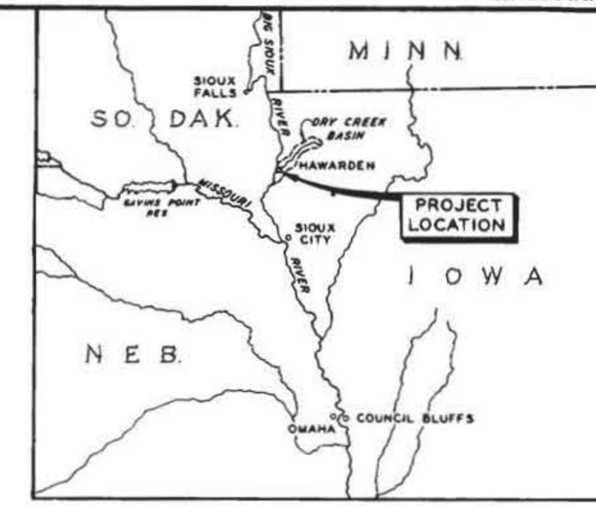


LOCATION MAP
NO SCALE

"AS-BUILT" INDEX

TITLE	PLATE NO.	DRAWING NO.
GENERAL PLAN AND INDEX	1	MSH2-310E1.1
PROFILE AND BORINGS CHANNEL	2	MSH2-310E2.1
PROFILE RIGHT AND LEFT LEVEE	3	MSH2-310E3.1
TYPICAL SECTIONS AND DETAILS	4	MSH2-310E4.1
GRADING PLAN CONTROL AND CHUTE AREA	5	MSH2-310E5.1
SECTIONS CONTROL AND CHUTE AREA	6	MSH2-310E6.1
GRADING PLAN VICINITY AVE "L" AND C&NW RY. BRIDGE	7	MSH2-310E7.1
GRADING PLAN UPSTREAM LIMITS OF PROJECT	8	MSH2-310E8.1
HORIZONTAL CONTROL	9	MSH2-310E9.1
RIGHT-OF-WAY-MAP	10	MSH2-310E10.1
DRAINAGE STRUCTURES PLANS, SECTIONS AND DETAILS	11	MSH2-310E11.1
L.O. EVERIST INC., R.R. TRESTLE (SCHEDULE "A") PLAN AND ELEVATIONS	12	MSH2-311E1.1
L.O. EVERIST INC., R.R. TRESTLE (SCHEDULE "A") TIMBER DETAILS	13	MSH2-311E2.1

THIS DRAWING HAS BEEN REDUCED TO THREE-EIGHTS THE ORIGINAL SCALE

SAFETY PAYS

DATE	DESCRIPTION	MADE	APPR'D
3-7-83	REVISED FOR O & M MANUAL	TWM	
2-20-64	REVISED TO SHOW "AS-BUILT" CONDITIONS	H.Z.E.	W.B.

REVISIONS

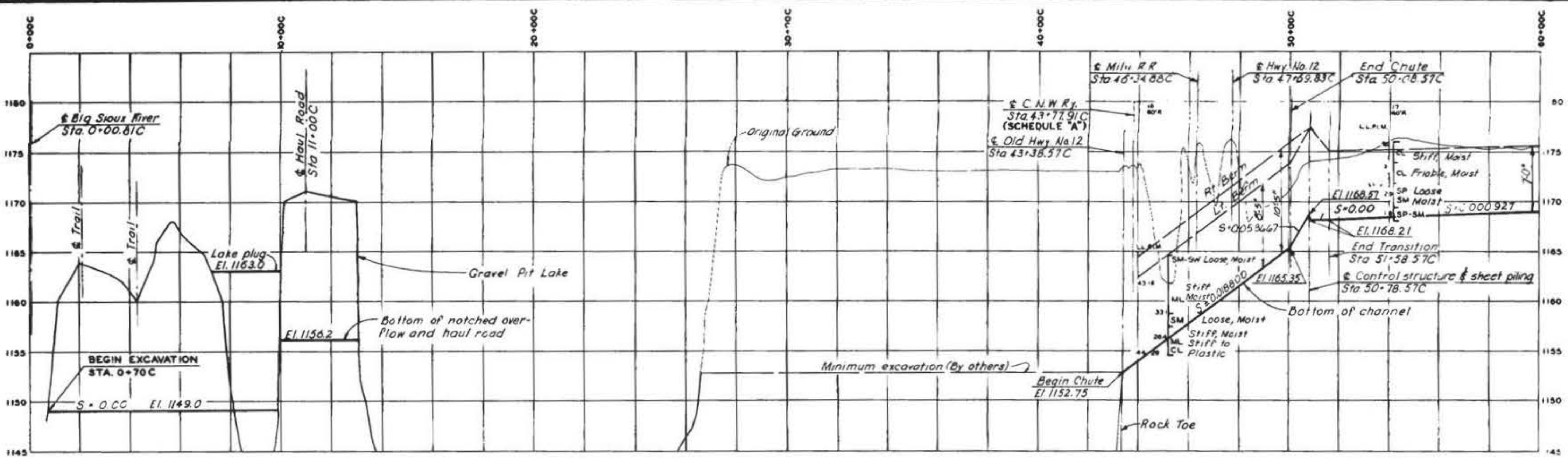
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
OMAHA, NEBRASKA

DESIGNED BY: F.H.V.
DRAWN BY: L.D.C.
TRACED BY: L.D.C.
CHECKED BY: T.R.M.
SUBMITTED BY: E.F. Brummell, CHIEF, LEVEE DES. SECTION
APPROVED: H.A. Sikes, CHIEF, FDN & MTL'S BRANCH
APPROVED: Charles L. Hipp, CHIEF ENGINEERING DIVISION
APPROVED: H.G. Woodbury Jr., COL., C.E., DISTRICT ENGINEER

BIG SIOUX RIVER BASIN
DRY CREEK, HAWARDEN, IOWA
LEVEES & CHANNEL ALTERATIONS
GENERAL PLAN AND INDEX

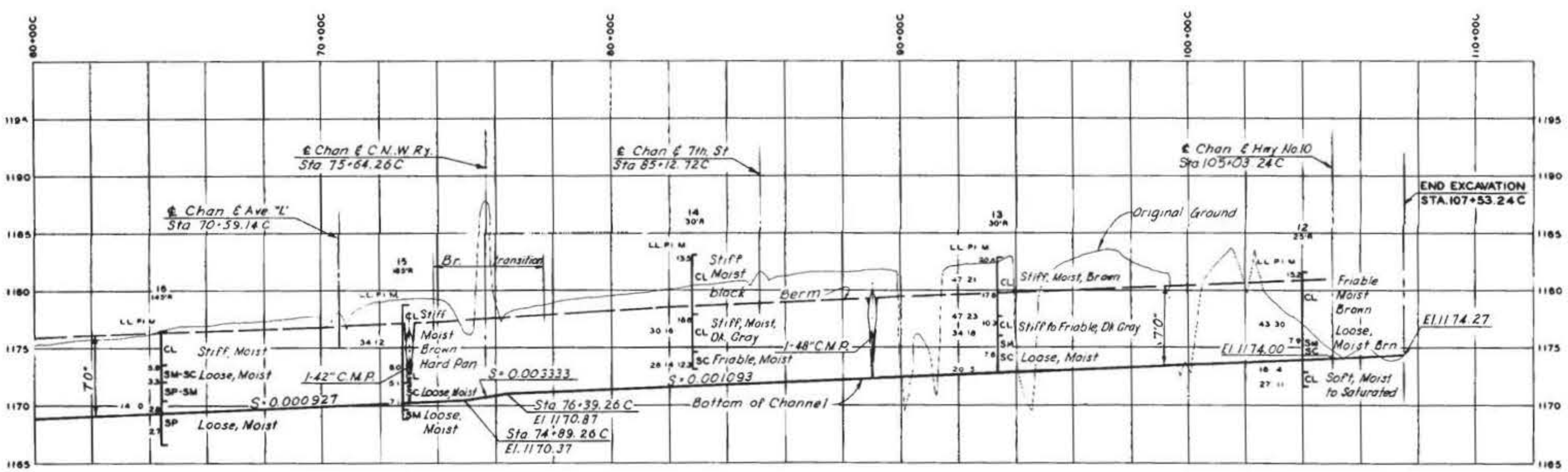
DATE: AUG. 1962
SCALE: AS SHOWN
SPEC. NO. ENG 25-066-63-30
DRAWING NUMBER: MSH2-310E1.1

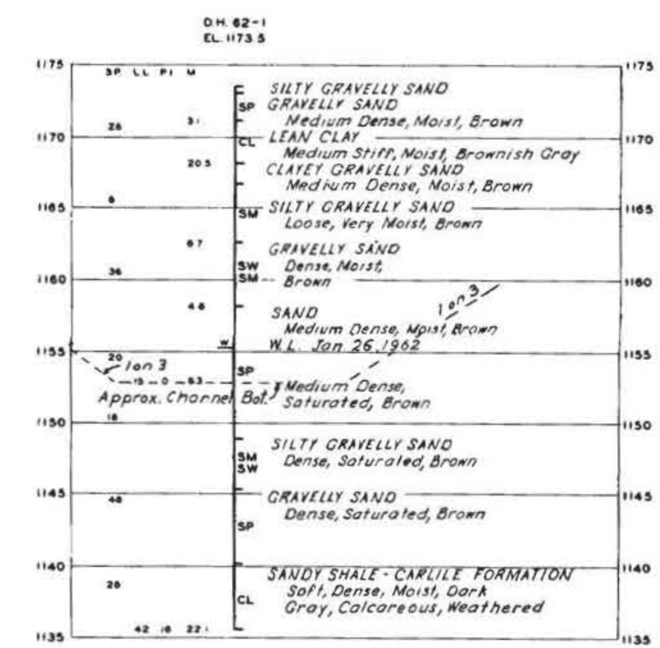
THIS PLAN ACCOMPANIES CONTRACT NO. DA-25-066-ENG-63-348 , MODIFICATION NO.



NOTES:

1. All elevations shown refer to feet above M.S.L., 1929 Gen.Adj.
2. Date of borings:
   Holes 12, 13, 14, 15, 16, 17 & 18, February 1959. No free water encountered.
   Hole 62-1, January 1962.
3. For location of drill hole 62-1, see Plate 12.
4. The data shown graphically and by symbol for each respective boring represents the actual geologic features observed and logged at the location given on the drawings. While the borings are representative of subsurface conditions at their respective locations and for their respective vertical reaches, information shown between drill holes is inferred and local minor variations characteristic of the subsurface materials of this region are anticipated.





℄ CHANNEL PROFILE

LEGEND:

000	Hole Number
00'L	Hole Location
	(L.L.) Liquid Limit
	(P.I.) Plasticity Index
	(S.P.) Standard Penetration: Number of blows required to drive a 6" drive barrel 1' using a 140# hammer falling 30".
	(M) Percent of Moisture at time of drilling determined by laboratory tests.
CL LEAN CLAY Soft, Moist, Brown	Soil Classification based on Laboratory Tests, Atterberg Limits, Mechanical Analysis or Visual Inspection.
Jan. 1962	Water Level established by measurement in open hole and date of observation.

CLASSIFICATION OF SOILS:

GW	GRAVEL OR SANDY GRAVEL, WELL GRADED
GP	GRAVEL OR SANDY GRAVEL, POORLY GRADED
GM	SILTY GRAVEL OR SILTY SANDY GRAVEL
GC	CLAYEY GRAVEL OR CLAYEY SANDY GRAVEL
SW	SAND OR GRAVELLY SAND, WELL GRADED
SP	SAND OR GRAVELLY SAND, POORLY GRADED
SM	SILTY SAND OR SILTY GRAVELLY SAND
SC	CLAYEY SAND OR CLAYEY GRAVELLY SAND
ML	SILTS, SANDY SILTS, GRAVELLY SILTS OR DIATOMACEOUS SOILS
CL	LEAN CLAYS, SANDY CLAYS, OR GRAVELLY CLAYS
CH	FAT CLAYS
MH	MICACEOUS CLAYS, SILTS OR DIATOMACEOUS SOILS

THIS DRAWING HAS BEEN REDUCED TO THREE-EIGHTS THE ORIGINAL SCALE

THIS PLAN ACCOMPANIES CONTRACT NO. DA-25-066 -eng- 63-348 MODIFICATION NO.

DATE	DESCRIPTION	MADE	APPR'D
9-1-83	REVISED FOR O & M MANUAL	TWM'S	
2-20-64	REVISED TO SHOW "AS-BUILT" CONDITIONS		

REVISIONS

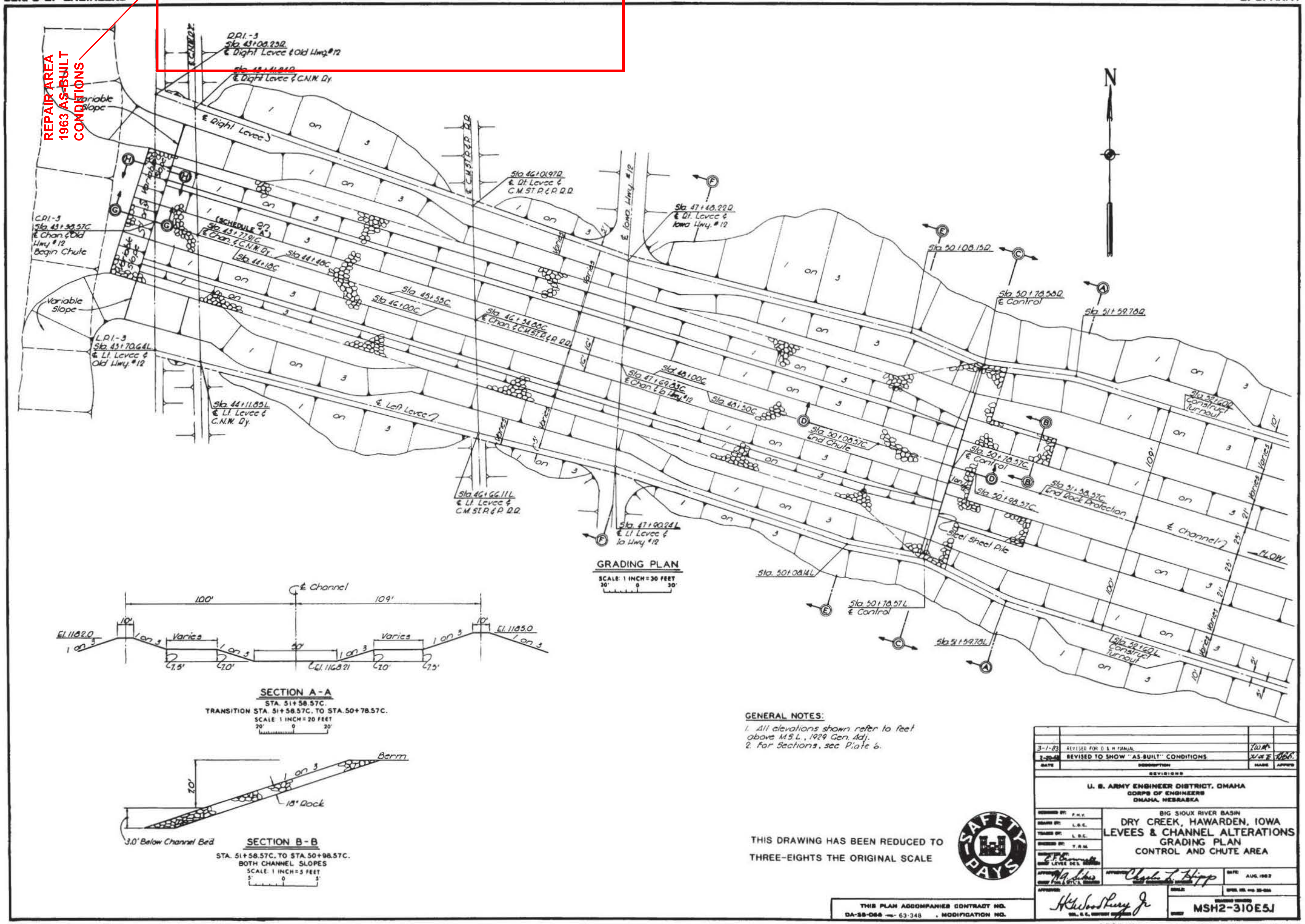
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
OMAHA, NEBRASKA

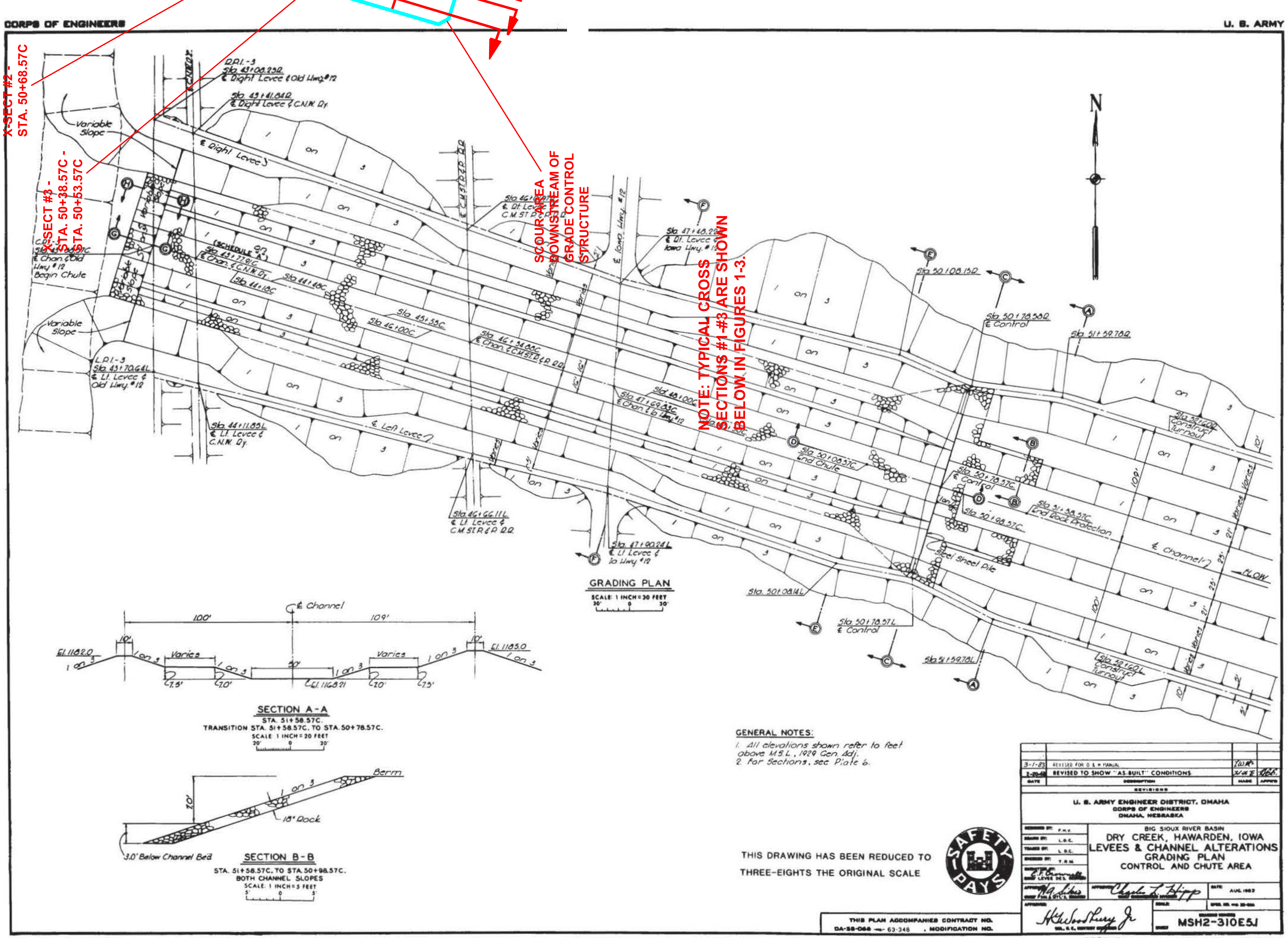
Designed by: F.H.V. Drawn by: R.L.M. Traced by: R.L.M. Checked by: T.A.M.

BIG SIOUX RIVER BASIN
DRY CREEK, HAWARDEN, IOWA
LEVEES & CHANNEL ALTERATIONS
PROFILE AND BORINGS
CHANNEL

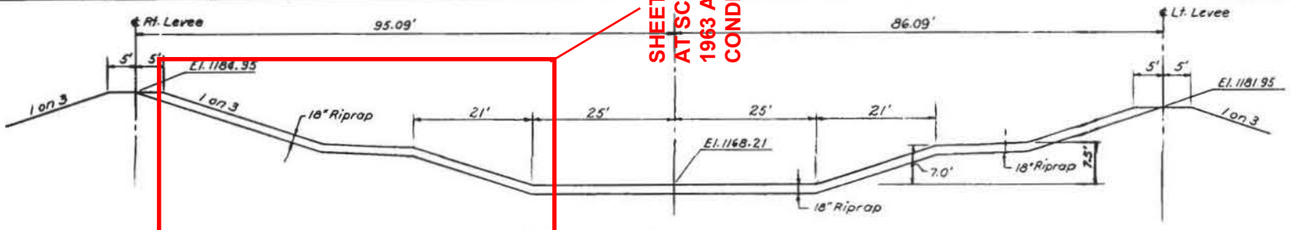
Date: AUG 1962

MSH2-310E2.1


REPAIR AREA
1963 AS-BUILT CONDITIONS
R.P.I.-3
Sta. 43+08.23R
℄ Right Levee & Old Hwy. #12
℄ Right Levee & C.N.W. Ry.
Variable Slope
℄ Right Levee
C.P.I.-3
Sta. 43+38.57C
℄ Chan. & Old Hwy #12
Begin Chute
(SCHEDULE "A")
Sta. 43+77.91C
℄ Chan. & C.N.W. Ry.
Sta. 44+18C
Sta. 44+48C
Sta. 45+55C
Sta. 46+00C
L.P.I.-3
Sta. 43+70.64L
℄ Lt. Levee & Old Hwy. #12
Sta. 44+11.83L
℄ Lt. Levee & C.N.W. Ry.
℄ Left Levee
Sta. 46+01.97R
℄ Rt. Levee & C.M. ST. P. & P. R.R.
Sta. 46+34.88C
℄ Chan. & C.M. ST. P. & P. R.R.
Sta. 46+66.11L
℄ Lt. Levee & C.M. ST. P. & P. R.R.
℄ Iowa Hwy. #12
Sta. 47+48.22R
℄ Rt. Levee & Iowa Hwy. #12
Sta. 47+69.83C
℄ Chan. & Ia. Hwy. #12
Sta. 47+90.24L
℄ Lt. Levee & Ia. Hwy #12
Sta. 48+00C
Sta. 48+50C
Sta. 50+08.57C
End Chute
Sta. 50+08.14L
Sta. 50+08.15R
Sta. 50+78.58R
℄ Control
Sta. 50+78.57C
℄ Control
Sta. 50+78.57L
℄ Control
Sta. 50+98.57C
Sta. 51+58.57C
End Rock Protection
Sta. 51+59.78R
Sta. 51+59.78L
Sta. 52+60R
Construct Turnout
Sta. 52+60L
Construct Turnout
Steel Sheet Pile
℄ Channel
FLOW
N
GRADING PLAN
SCALE: 1 INCH = 30 FEET
℄ Channel
100'
109'
El. 1182.0
El. 1185.0
El. 1168.21
Varies
1 on 3
SECTION A-A
STA. 51+58.57C.
TRANSITION STA. 51+58.57C. TO STA. 50+78.57C.
SCALE 1 INCH = 20 FEET
Berm
18" Rock
3.0' Below Channel Bed
SECTION B-B
STA. 51+58.57C. TO STA. 50+98.57C.
BOTH CHANNEL SLOPES
SCALE 1 INCH = 5 FEET
GENERAL NOTES:
1. All elevations shown refer to feet above M.S.L., 1929 Gen. Adj.
2. For Sections, see Plate 6.
THIS DRAWING HAS BEEN REDUCED TO THREE-EIGHTS THE ORIGINAL SCALE
SAFETY PAYS
3-1-83 REVISED FOR O & M MANUAL
REVISED TO SHOW "AS-BUILT" CONDITIONS
REVISIONS
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
OMAHA, NEBRASKA
BIG SIOUX RIVER BASIN
DRY CREEK, HAWARDEN, IOWA
LEVEES & CHANNEL ALTERATIONS
GRADING PLAN
CONTROL AND CHUTE AREA
AUG. 1962
THIS PLAN ACCOMPANIES CONTRACT NO.
DA-25-066 -- 63-348 . MODIFICATION NO.
MSH2-310E5J


X-SECT #2 - STA. 50+68.57C
X-SECT #3 - STA. 50+38.57C - STA. 50+53.57C
SCOUR AREA DOWNSTREAM OF GRADE CONTROL STRUCTURE
NOTE: TYPICAL CROSS SECTIONS #1-#3 ARE SHOWN BELOW IN FIGURES 1-3.
N
R.P.I.-3
Sta. 43+08.23R
℄ Right Levee & Old Hwy #12
Sta. 43+41.84R
℄ Right Levee & C.N.W. Ry.
Variable Slope
℄ Right Levee
C.P.I.-3
℄ Chan. & Old Hwy #12
Begin Chute
(SCHEDULE "A")
Sta. 43+77.91C
℄ Chan. & C.N.W. Ry.
Sta. 44+18C
Sta. 44+48C
Sta. 45+55C
Sta. 46+00C
L.P.I.-3
Sta. 43+70.64L
℄ Lt. Levee & Old Hwy. #12
Sta. 44+11.83L
℄ Lt. Levee & C.N.W. Ry.
℄ Left Levee
℄ C.M.St.P.&P. R.R.
℄ Rt. Levee & C.M.St.P.&P. R.R.
Sta. 46+34.88C
℄ Chan. & C.M.St.P.&P. R.R.
Sta. 46+66.11L
℄ Lt. Levee & C.M.St.P.&P. R.R.
℄ Iowa Hwy. #12
Sta. 47+48.22
℄ Rt. Levee & Iowa Hwy. #12
Sta. 47+69.83C
℄ Chan. & Io Hwy #12
Sta. 48+00C
Sta. 47+90.24L
℄ Lt. Levee & Io Hwy #12
Sta. 50+08.57C
End Chute
Sta. 50+08.14L
Sta. 50+08.15R
Sta. 50+78.58R
℄ Control
Sta. 51+59.78R
Sta. 50+78.57C
℄ Control
Sta. 50+98.57C
Sta. 51+38.57C
End Rock Protection
Steel Sheet Pile
Sta. 50+78.57L
℄ Control
Sta. 51+59.78L
Sta. 52+60R
Construct Turnout
Sta. 52+60L
Construct Turnout
℄ Channel
FLOW
Varies
1 on 3
GRADING PLAN
SCALE: 1 INCH = 30 FEET
℄ Channel
100'
109'
10'
El. 1182.0
El. 1185.0
Varies
50'
El. 1168.21
7.5'
7.0'
SECTION A-A
STA. 51+58.57C.
TRANSITION STA. 51+58.57C. TO STA. 50+78.57C.
SCALE 1 INCH = 20 FEET
Berm
1 on 3
7.0'
18" Rock
3.0' Below Channel Bed
SECTION B-B
STA. 51+58.57C. TO STA. 50+98.57C.
BOTH CHANNEL SLOPES
SCALE: 1 INCH = 5 FEET
GENERAL NOTES:
1. All elevations shown refer to feet above M.S.L., 1929 Gen. Adj.
2. For Sections, see Plate 6.
THIS DRAWING HAS BEEN REDUCED TO THREE-EIGHTS THE ORIGINAL SCALE
SAFETY PAYS
3-1-83 REVISED FOR O & M MANUAL
REVISED TO SHOW "AS-BUILT" CONDITIONS
REVISIONS
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
OMAHA, NEBRASKA
BIG SIOUX RIVER BASIN
DRY CREEK, HAWARDEN, IOWA
LEVEES & CHANNEL ALTERATIONS
GRADING PLAN
CONTROL AND CHUTE AREA
AUG. 1962
MSH2-310E5J
THIS PLAN ACCOMPANIES CONTRACT NO.
DA-25-066 63-348 , MODIFICATION NO.

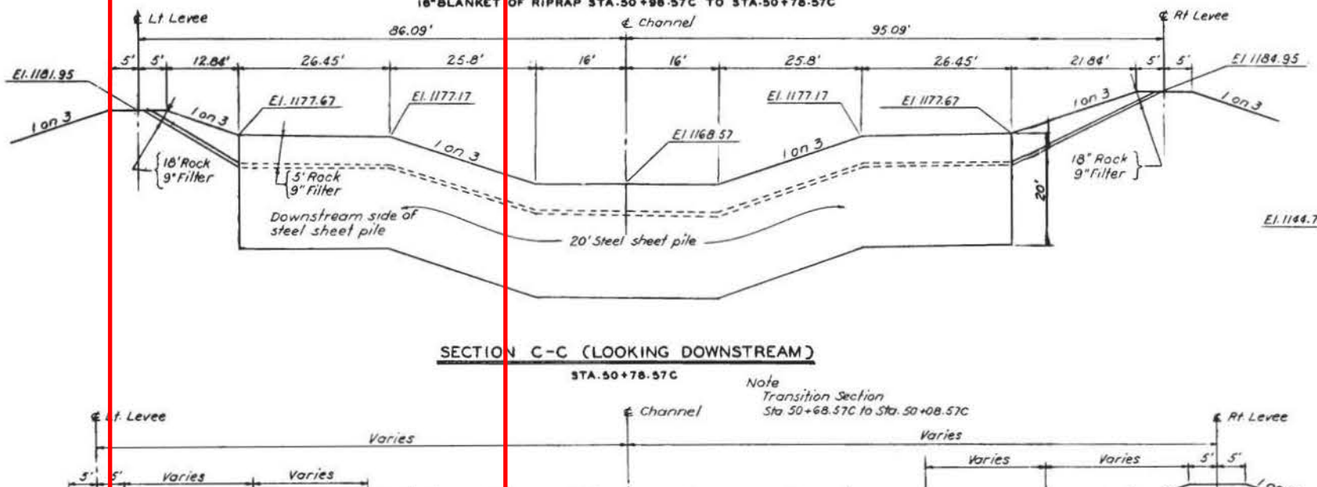
SHEETING FOR ATTSCOUR ANALYSIS 1963 AS-BUILT CONDITION



SECTION C-C (LOOKING UPSTREAM)

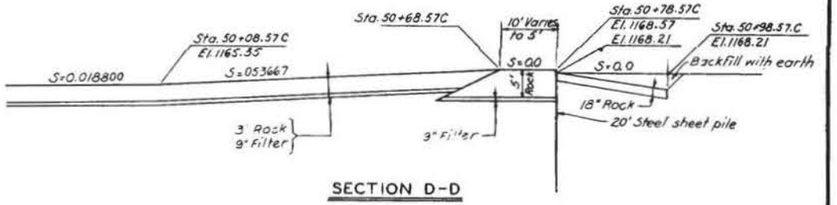
STA. 50+78.57C

18" BLANKET OF RIPRAP STA. 50+98.57C TO STA. 50+78.57C

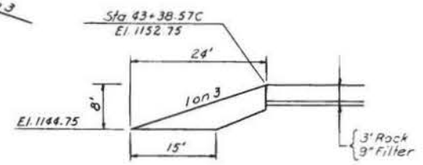


SECTION C-C (LOOKING DOWNSTREAM)

STA. 50+78.57C

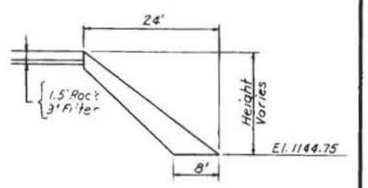


SECTION D-D



SECTION G-G

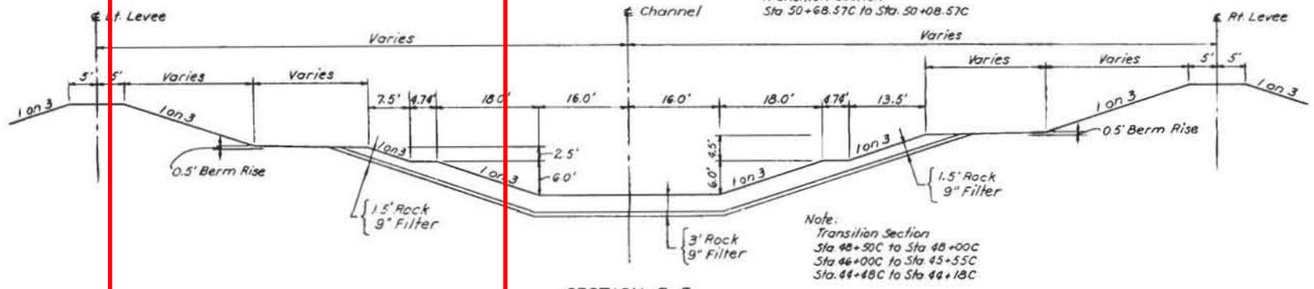
This Section Holds 16' to Rt. & Left of Channel ℄



SECTION H-H

This Section is 52.24' to Rt. of Channel ℄ & 46.24' to Lt. of Channel ℄ Transition Section Between Sections G-G & H-H

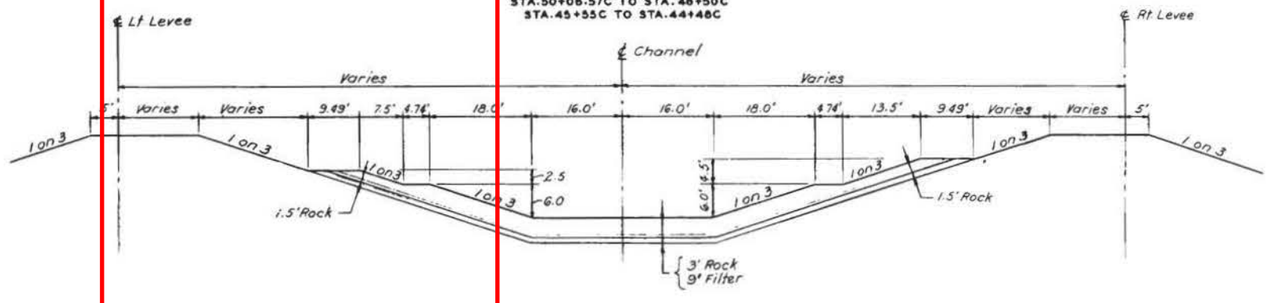
Note
Transition Section
Sta. 50+68.57C to Sta. 50+08.57C



Note:
Transition Section
Sta. 48+50C to Sta. 48+00C
Sta. 46+00C to Sta. 45+55C
Sta. 44+48C to Sta. 44+18C

SECTION E-E

STA. 50+08.57C TO STA. 48+50C
STA. 45+55C TO STA. 44+48C



SECTION F-F

STA. 48+00C TO STA. 46+00C
STA. 44+18C TO STA. 43+38.57C

GENERAL NOTES:

1. All elevations shown refer to feet above M.S.L., 1929 Gen. Adj.
2. For Grading Plan, See Plate 5.

SCALE: 1 INCH = 10 FEET

THIS DRAWING HAS BEEN REDUCED TO THREE-EIGHTS THE ORIGINAL SCALE

SAFETY DAYS

THIS PLAN ACCOMPANIES CONTRACT NO. DA-25-066 -eng-63-348 . MODIFICATION NO.

DATE	DESCRIPTION	MADE	APPRD
3-1-63	[illegible]	TSM	
2-20-64	REVISED TO SHOW "AS BUILT CONDITIONS	WFE	[illegible]

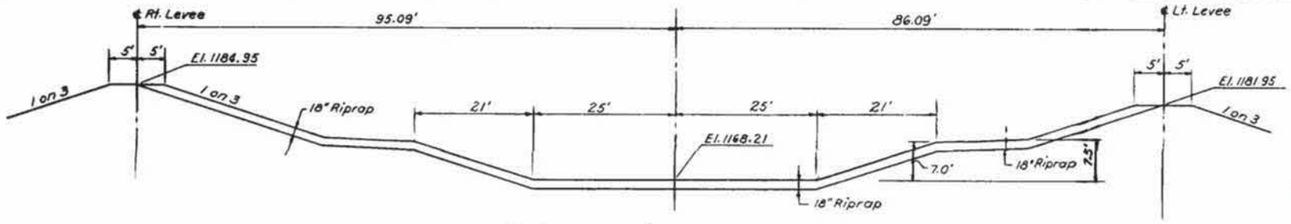
REVISIONS

U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
OMAHA, NEBRASKA

DESIGNED BY: F. H.V.
DRAWN BY: B. A.
TRACED BY: B. A.
CHECKED BY: T. R. M.
SUBMITTED BY: [illegible] CHIEF, LEVEES DES. SECTION

BIG SIOUX RIVER BASIN
DRY CREEK, HAWARDEN, IOWA
LEVEES & CHANNEL ALTERATIONS
SECTIONS
CONTROL AND CHUTE AREA

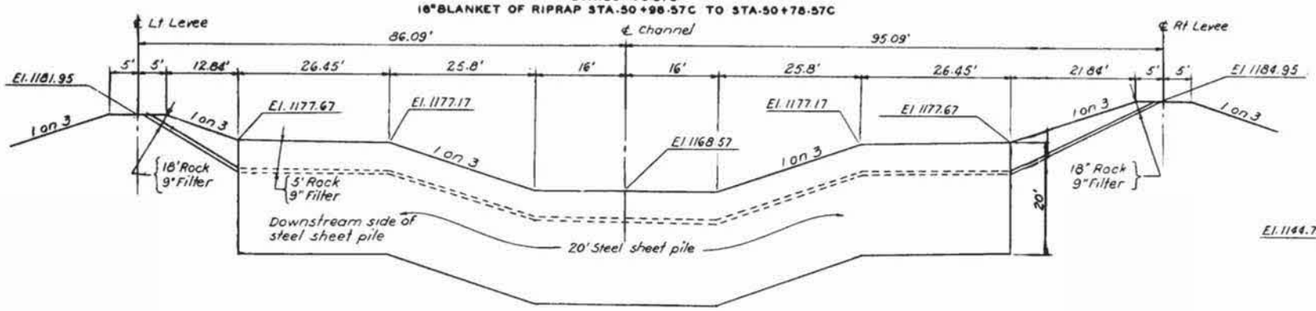
APPROVED: [illegible] CHIEF, FOND & HYD. BRANCH
APPROVED: [illegible] CHIEF ENGINEERING DIVISION
DATE: AUG. 1962
APPROVED: [illegible] COL., C.E., DISTRICT ENGINEER
SCALE:
SPEC. NO. no 25-066
SHEET
DRAWING NUMBER: MSH2-310E6.1



SECTION C-C (LOOKING UPSTREAM)

STA. 50+78.57C

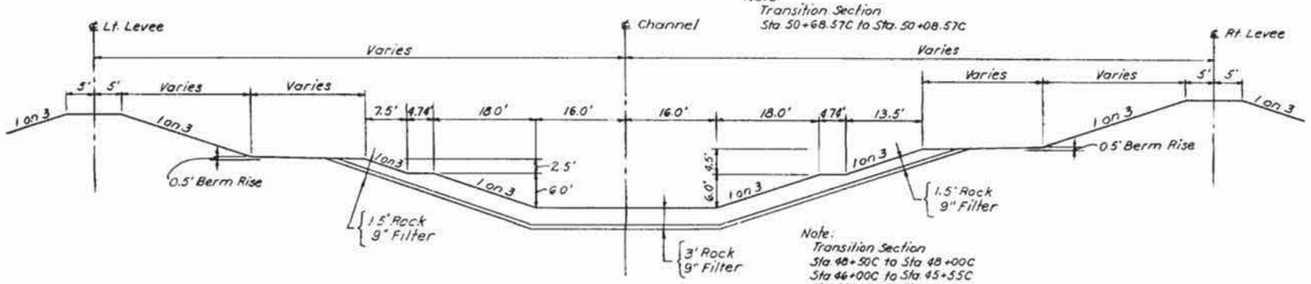
18" BLANKET OF RIPRAP STA. 50+98.57C TO STA. 50+78.57C



SECTION C-C (LOOKING DOWNSTREAM)

STA. 50+78.57C

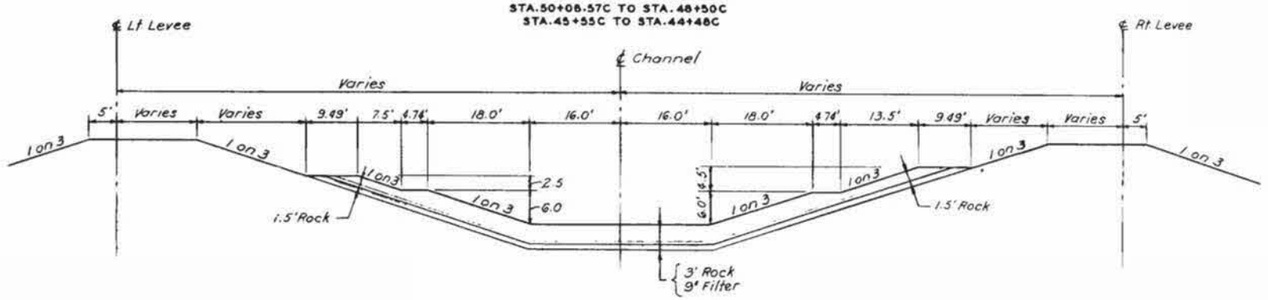
Note
Transition Section
Sta. 50+68.57C to Sta. 50+08.57C



Note:
Transition Section
Sta. 48+50C to Sta. 48+00C
Sta. 46+00C to Sta. 45+55C
Sta. 44+48C to Sta. 44+18C

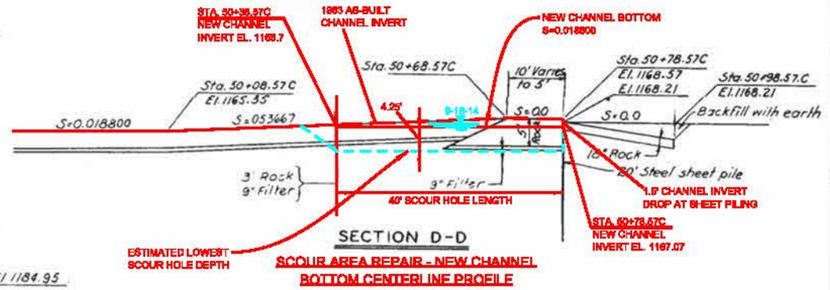
SECTION E-E

STA. 50+08.57C TO STA. 48+50C
STA. 45+55C TO STA. 44+48C



SECTION F-F

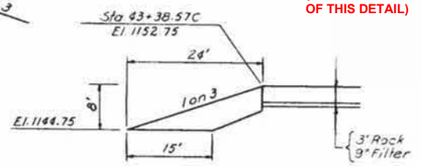
STA. 48+00C TO STA. 46+00C
STA. 44+18C TO STA. 43+38.57C



SECTION D-D

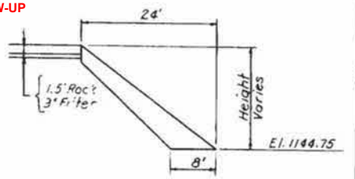
SCOUR AREA REPAIR - NEW CHANNEL BOTTOM CENTERLINE PROFILE

(SEE FIGURE 4 FOR BLOW-UP OF THIS DETAIL)



SECTION G-G

This Section Holds
16' to Rt. & Left of Channel ℄



SECTION H-H

This Section is
52.24' to Rt. of Channel ℄
46.24' to Lt. of Channel ℄
Transition Section Between
Sections G-G & H-H

GENERAL NOTES:

1. All elevations shown refer to feet above M.S.L., 1929 Gen. Adj.
2. For Grading Plan, See Plate 5.

DATE	DESCRIPTION	MADE	APPD
3-1-63	[illegible]	TGM	
2-20-64	REVISED TO SHOW AS BUILT CONDITIONS	WJE	ABA

REVISIONS

U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
OMAHA, NEBRASKA

DESIGNED BY: F. H.V.
DRAWN BY: S. A.
TRACED BY: S. A.
CHECKED BY: T. R. M.
SUBMITTED BY: [illegible] CHIEF, LEVEES DES. SECTION
APPROVED: [illegible] CHIEF, FOR & UTIL'S BRANCH
APPROVED: [illegible] CHIEF, ENGINEERING DIVISION

BIG SIOUX RIVER BASIN
DRY CREEK, HAWARDEN, IOWA
LEVEES & CHANNEL ALTERATIONS
SECTIONS
CONTROL AND CHUTE AREA

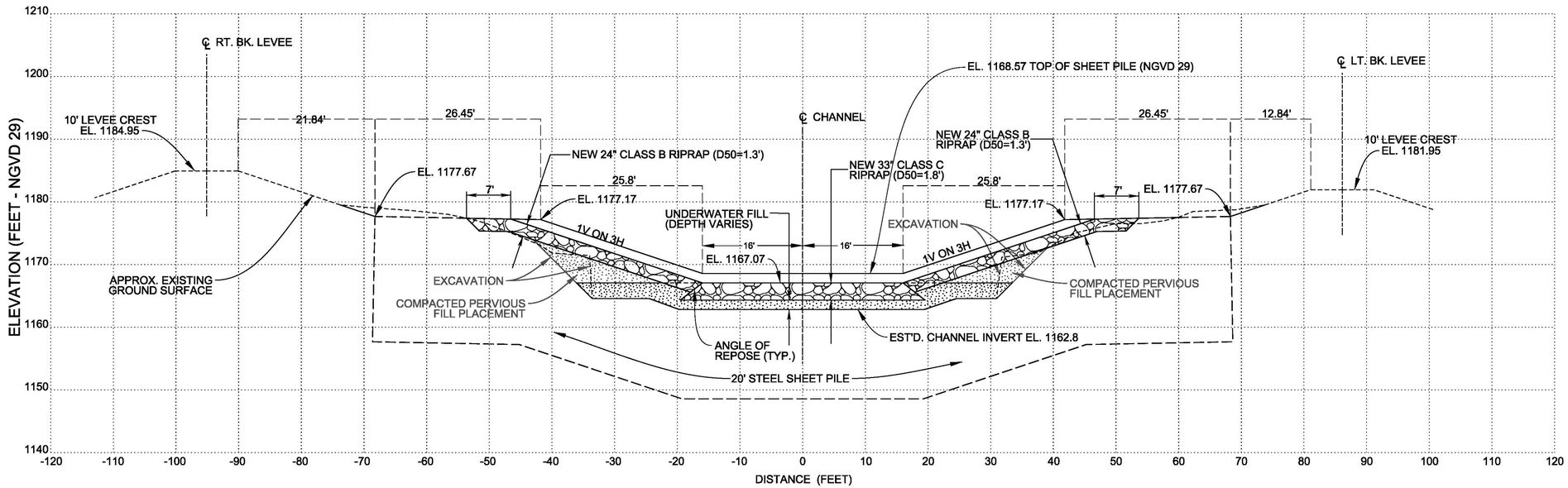
DATE: AUG 1962
SCALE:
SPEC. NO. W-O 23-066
APPROVED: [illegible] COL., C. E. DISTRICT ENGINEER
DRAWING NUMBER: MSH2-310E6.1
SHEET

SCALE: 1 INCH = 10 FEET
10' 0 10

THIS DRAWING HAS BEEN REDUCED TO THREE-EIGHTS THE ORIGINAL SCALE

SAFETY PAYS

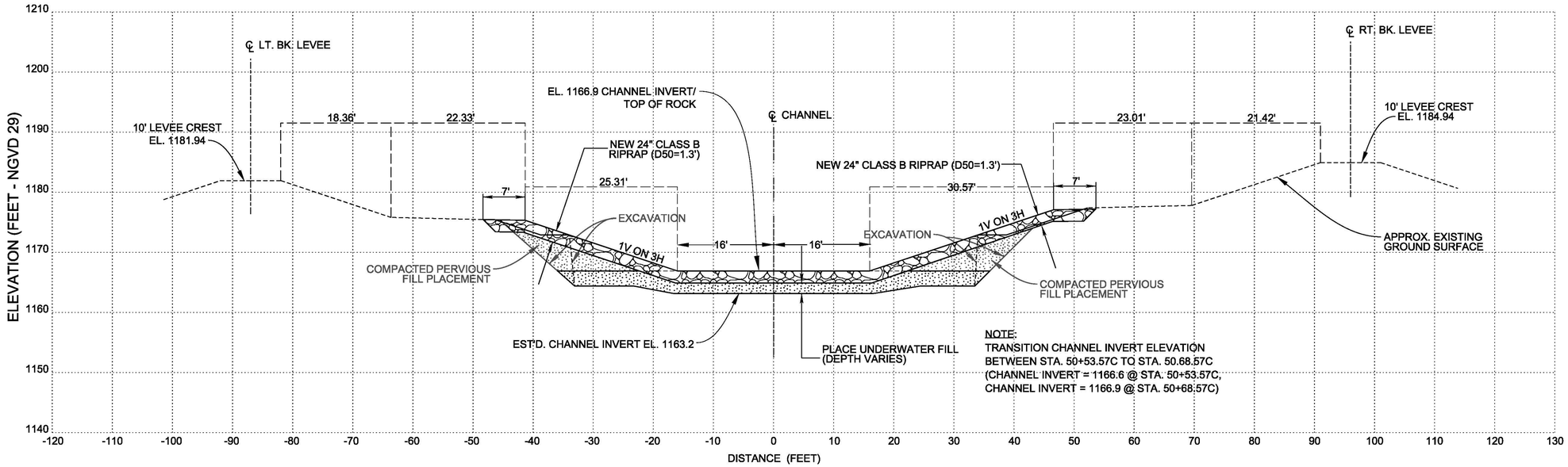
THIS PLAN ACCOMPANIES CONTRACT NO. DA-23-066 -eng- 63-348 , MODIFICATION NO.



X-SECT. #1 - STA. 50+78.57C (LOOKING UPSTREAM)
TYPICAL CHANNEL PROTECTION CROSS SECTION
FOR STA. 50+68.57C - STA. 50+78.57C

SCALE: 1 INCH = 10 FEET
10' 0 10'

FIGURE 1



X-SECT. #2 - STA. 50+68.57C (LOOKING DOWNSTREAM)

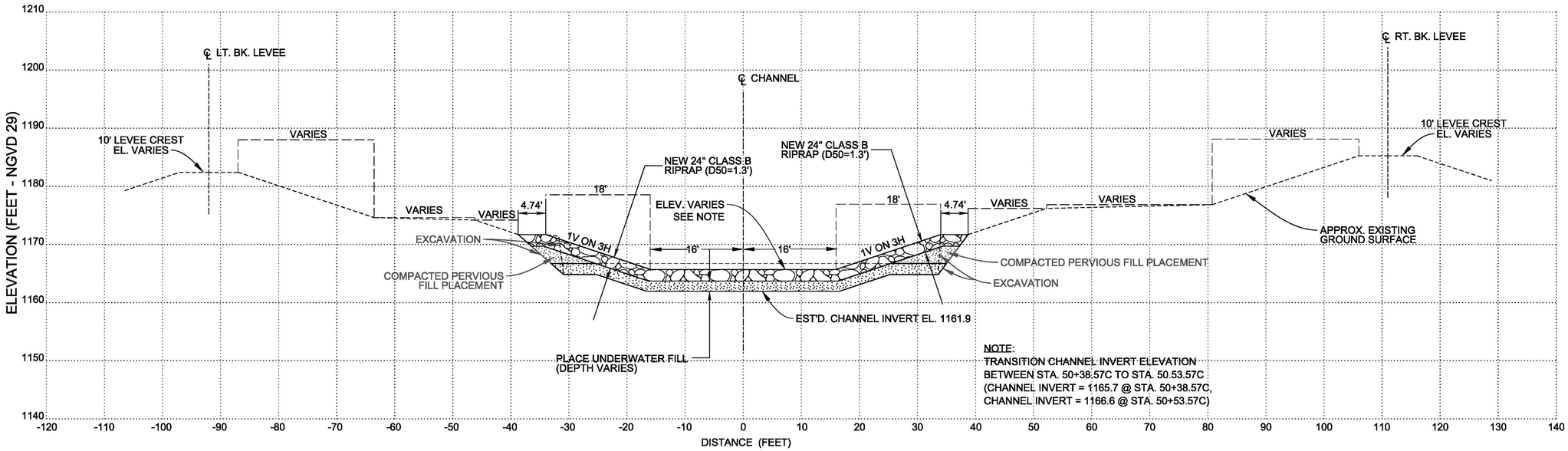
TYPICAL CHANNEL PROTECTION CROSS SECTION

FOR STA. 50+53.57C - STA. 50+68.57C

SCALE: 1 INCH = 10 FEET

10' 0 10'

FIGURE 2



X-SECT. #3 - STA. 50+38.57C (LOOKING DOWNSTREAM)

TYPICAL CHANNEL PROTECTION CROSS SECTION

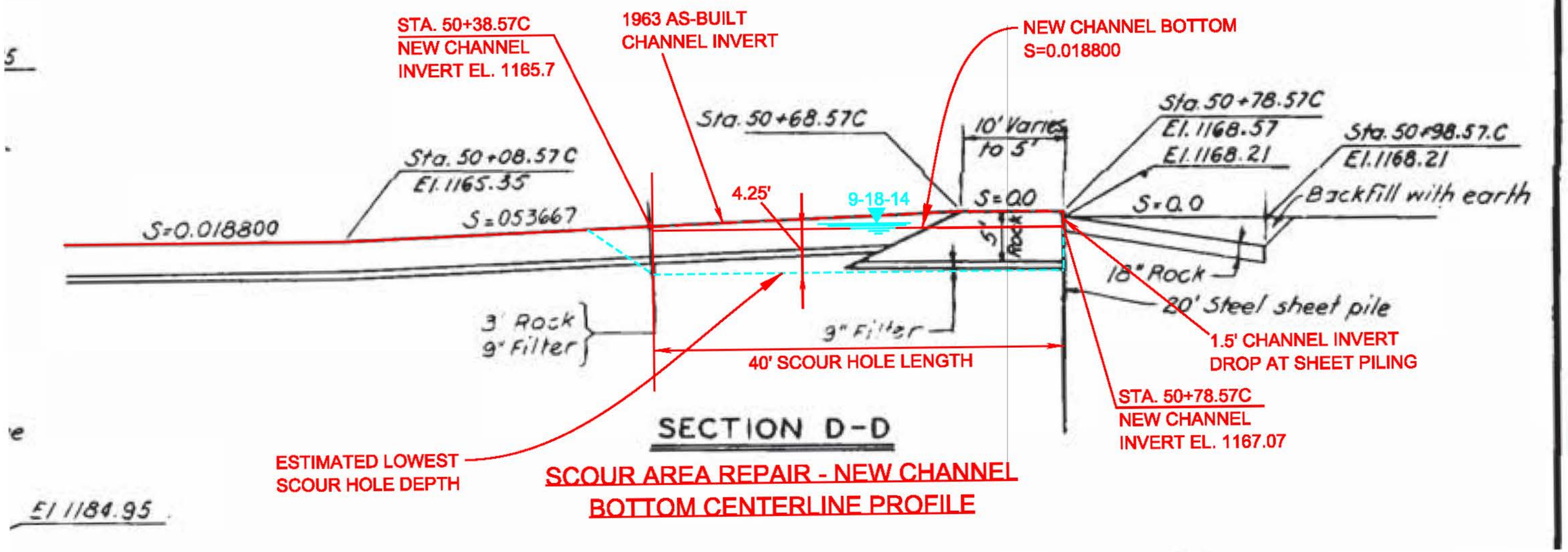
FOR STA. 50+38.57C - STA. 50+53.57C

SCALE: 1 INCH = 10 FEET

10' 0 10'

FIGURE 3

U. S. ARMY



SECTION D-D

SCOUR AREA REPAIR - NEW CHANNEL BOTTOM CENTERLINE PROFILE

Hawarden X-Section.dgn 9/29/2014 2:24:42 PM g6edxdsg

FIGURE 4

APPENDIX B

FEDERAL AND STATE AGENCY COORDINATION

Communication between the Corps, Omaha District and IDNR regarding Section 401 Water Quality Certification

From: Schwake, Christine [DNR]
To: Ciurej, Amanda NWO
Subject: [EXTERNAL] comments regarding the Hawarden levee repairs
Date: Monday, October 06, 2014 1:05:04 PM

Hi Amanda –

Mike Hayes concurred with you that the project can be authorized under a NWP #3. The State of Iowa provided Section 401 Water Quality Certification which stated:

The Iowa Department of Natural Resources is issuing Section 401 Water Quality Certification for the 2012 Nationwide Permits with the following conditions:

(1) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.

(2) Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the registrar of deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and may also require the permittee to provide proof of that recording to the Corps.

(3) Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States.

(4) For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable species shall be achieved within three years of establishment of the buffer strip.

(5) For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

(6) For nationwide 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.

(7) For projects that impact an outstanding national resource water, outstanding Iowa water, fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required

(8) For nationwide permits when the Corps' district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required.

(9) Heavy equipment shall not be used or operated within the stream channel. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.

For any project that impacts the Missouri River on the Iowa side, the Iowa Department of Natural Resources requests that the Corps of Engineers contact us for project-specific comments/conditions to

protect the water quality/aquatic resources of the site prior to finalizing the permit decision. The request for comments may be sent to christine.schwake@dnr.iowa.gov <mailto:christine.schwake@dnr.iowa.gov> .

Best management practices must be used to prevent and control spills of hazardous substances and if there is a release, it must be immediately reported to the Iowa Department of Natural Resources at 515-281-8694.

We would like to ask the Corps to encourage applicants to use natural channel design principles and bioengineering techniques when the project involves reconstructing stream channels. This will help restore or enhance the habitat values of the reconstructed stream channel.

Thanks so much for allowing me to review and comment on the project.

Have a great week!

Chris

CHRISTINE SCHWAKE Environmental Specialist
Iowa Department of Natural Resources
515.281.6615 | christine.schwake@dnr.iowa.gov <mailto:Email.Name@dnr.iowa.gov>
502 E 9th St | Des Moines, IA 50319-0034
WWW.IOWADNR.GOV <http://www.iowadnr.gov>
FB_16x16 <https://www.facebook.com/iowadnr>
Tw_16x16 <https://twitter.com/iowadnr>
Pin_16x16 <http://pinterest.com/iowadnr

Communication between the Corps, Omaha District and IDNR regarding fish and wildlife resources

From:	LaRue, Chris [DNR]
To:	Ciurej, Amanda NWO; Hildreth, Pete [DNR]
Cc:	Bruce, Angi [DNR]; Hawkins, Michael [DNR]
Subject:	[EXTERNAL] RE: Proposed Hawarden, IA Levee Repairs - Review and Comment (Follow-up)
Date:	Monday, November 03, 2014 4:06:49 PM

Amanda,

Local IDNR Wildlife and fisheries Biologist have both considered and reviewed the information outlined in the project for the Hawarden, IA Levee Scour / Repairs. We have no additional comments or concerns regarding the presence of threatened and endangered species, fish and wildlife species, or riparian wetland impacts that may potentially occur due to the proposed project activities. This is a small project with very little or no impacts of any concern to fish and wildlife species. We approve the project and the only recommendation we would provide is to utilize silt fence installation as needed for basic erosion control and additional rip rap as warranted to hold the existing banks and structure during future high flows in this area as per the design.

Additional information if needed:
I walked the area today and took a few photo's to document the sit prior to the needed channel and scour area repairs. Since the last project pictures it appears there has been a bit more minor erosion on the scours areas and the structure needs reinforced and repaired before the structure is destroyed or it would threaten damage to the existing Levees. There was no current use by any migratory game or nongame bird species and only minor activity by small mammals primarily raccoons. The existing vegetation is monoculture brome, reed canary grass, and smart weed mixed with a few other annuals. I visited with the Fisheries Biologist and he indicated no concerns from any in stream aquatic species however, you can contact him for comment if needed.

If you need any further information please feel free to contact me at any time.

Have a good day and week,

CHRIS LA RUE, Wildlife Mgmt. Biologist

Iowa Department of Natural Resources
P 712.330.4543| F - None| chris.larue@dnr.iowa.gov
1902 HWY 71 N. Suite # 104, Okoboji, IA 51355
WWW.IOWADNR.GOV

Communication between the Corps, Omaha District and Corps, Rock Island Regulatory personnel

From:	Hayes, Michael D MVR
To:	Ciurej, Amanda NWO
Cc:	Schwake, Christine [DNR]; Lenz, Gary W (Ward) MVR; Hayes, Daniel J MVR
Subject:	RE: Proposed Hawarden, IA Levee Repairs - Need Concurrence (UNCLASSIFIED)
Date:	Wednesday, October 01, 2014 12:49:16 PM

Amanda: I concur the project is covered under Item 3 of the Nationwide permits.

Mike Hayes, Regulatory Project Manager, Rock Island District

-----Original Message-----
From: Ciurej, Amanda NWO
Sent: Wednesday, October 01, 2014 12:42 PM
To: Hayes, Michael D MVR
Cc: Lenz, Gary W (Ward) MVR
Subject: Proposed Hawarden, IA Levee Repairs - Need Concurrence

Hi Michael,

On Monday, I sent the following project proposal to agencies for review and comment (see below). The proposed project is located in the Rock Island District regulatory boundary. For Section 404 authorization, the Corps is proposing the use of Nationwide Permit 3 because the project involves maintenance to an existing project and the estimated fill below the Ordinary High Water Mark (OHWM) would not impact more than 0.1 of an acre of waters in the U.S. The total amount of fill that would be placed below the OHWM of Dry Creek to fill a scour hole is estimated at 340 tons of new quarried rock/ gravel. Do you concur with the use of a Nationwide 3?

Amanda Ciurej

Environmental Resources Specialist
U.S. Army Corps of Engineers, Omaha District
Planning Branch, CENWO-PM-AC
1616 Capitol Avenue
Omaha, Nebraska 68102

phone: 402.995.2897
fax: 402.995.2758
email: amanda.k.ciurej@usace.army.mil

Communication between the Corps and USFWS Columbia, Missouri Field Office

From: Ledwin, Jane
To: Ciurej, Amanda NWO
Cc: Barnum, Sandra V NWO; Hildreth, Pete [DNR]; Schwake, Christine [DNR]; Poole, Kelly [DNR]; Cominoli, Nicole M NWO; Jane Ledwin
Subject: [EXTERNAL] Re: Proposed Hawarden, IA Levee Repairs - Review and Comment
Date: Thursday, October 02, 2014 10:23:13 AM

Hi Amanda -

I have looked over the information in your email and attachments, and based on that information, the Service concurs with the Corps "no effect" determination for federally listed species. We fully support the seasonal considerations the Corps will follow to avoid.minimize effects to migratory birds. Thank you for including these.

Although I can't tell from the description, the Service encourages the Corps to design structures within these tributaries to ensure continued access for native fishes through or around any grade control structures. Tributaries are essential habitat not only for resident aquatic species, but produce forage for mainstem river fishes, as well as refugia for certain life stages or seasonally.

Thank your for the opportunity to review the proposed work. If you have any questions regarding our comments or need additional information, please contact me at the number below.

Best regards -

Jane Ledwin

Jane Ledwin
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
101 Park DeVille Drive
Columbia, Missouri 65203
Phone 573/234-2132, extension 109
email jane_ledwin@fws.gov

Coordination with Corps, Omaha District Cultural Resources Specialist

Amanda,

I have reviewed the information provided for the proposed levee scour repair on Dry Creek at Hawarden, Iowa. A cultural resource files search in the Office of the State Archaeologist's database revealed no recorded sites within the Area of Potential Effect (APE) for the repairs. As the work will take place in a previously disturbed area, with no original stratigraphy, I believe that the project as described will have No Potential to Affect Historic Properties. Recommend project approval.

Should the scope of this work change in any way, please contact this office for further review.

Thanks,
Sandy

Sandra V. Barnum, RPA
District Archeologist
U.S. Army Corps of Engineers
CENWO-PM-AB

1616 Capitol Avenue
Omaha, NE 68102
(402) 995-2674

-----Original Message-----
From: Ciurej, Amanda NWO
Sent: Monday, September 29, 2014 1:45 PM
To: Barnum, Sandra V NWO; Ledwin, Jane; Hildreth, Pete [DNR]; Schwake, Christine [DNR]; Poole, Kelly [DNR]; Cominoli, Nicole M NWO
Subject: Proposed Hawarden, IA Levee Repairs - Review and Comment

Team,

The U.S. Army Corps of Engineers, Omaha District (Corps) is proposing to conduct emergency levee repairs under Public Law 84-99 to the Hawarden, Iowa Dry Creek Flood Risk Reduction Project located on the southern edge of Hawarden, Sioux County, Iowa (see attached map). The proposed project consists of rearmoring both left and right banks downstream of the sheet pile control structure on Dry Creek. Dry Creek is a tributary of the Big Sioux River. In June 2014, record rainfall in South Dakota, Minnesota, and northwestern Iowa caused unprecedented flooding along the Big Sioux River. As a result, increased flow velocities in Dry Creek caused scouring along both left and right banks and in the channel invert immediately downstream of the sheet pile control structure (see attached figures). Dry Creek lies between two levee units, Hawarden Left Bank Levee and Hawarden Right Bank Levee, respectively. Scouring of the left and right banks and channel invert of Dry Creek puts the functionality of both Hawarden levee units at risk.

The Corps is proposing to reshape the slopes of the channel banks in order to place new rock for armoring. All excavated material would be hauled off site to an approved off site upland disposal area. New quarried stone would be placed on the reshaped 1V on 3H channel slopes for a length of approximately 40 ft downstream of the sheet pile control structure (the bank slope length provided with new quarried stone varies from 20 ft to 40 ft). In addition, new stone will be used to re-establish the rock-lining of the creek. New gravel will be used to fill an approximated 4 ft deep scour (from the water surface) in the channel invert downstream of the sheet pile control structure. All maintenance activities, including clearing and grubbing, will be performed within the same footprint as the original Hawarden, Iowa Dry Creek Flood Risk Reduction Project. The proposed maintenance is anticipated to occur within the winter months before the start of the next flood season in 2015.

The Corps is still in the process of completing the design and determining exact quantities of material that will be used in the proposed project. Engineer drawings will be forwarded to you upon completion.

Attached are the engineer drawings for Hawarden, IA Dry Creek Flood Risk Reduction Project.

Quantities include (as provided by design engineer):
- 100 cubic yards of excavation to reshape eroded banks
- 1,000 sq ft of clearing and grubbing
- placement of 340 tons of stone/ gravel below the Ordinary High Water Mark for stabilization
- placement of 160 tons of stone above the Ordinary High Water Mark for stabilization

Many of you have already provided me with your comments on this project. I don't anticipate that me providing these quantities and drawings will change your comments, but if they do, please resubmit them. I copied Ms. Kelly Poole, Mr. James Hallmark, Ms. Lori McDaniel, and Mr. Mike Hayes just for coordination purposes. You guys received this information when I submitted the joint sovereign lands/ floodplain permit application for this project.

Please provide comments at your earliest convenience, but we would appreciate receiving comments no later than Tuesday, October 14th. I have provided some specific comments that need addressed below (provide more information if applicable):

Ms. Sandy Barnum: Can you please perform Section 106 clearance on the proposed project area. All work will be performed within the existing footprint of the original Hawarden, Iowa Dry Creek Flood Risk Reduction Project, a project constructed in the 1960s (approximately 50 years ago).

Ms. Jane Ledwin: The Corps has determined that the proposed project would have no affect on any listed threatened or endangered species. The Corps has made the following determinations: 1) NO AFFECT on the threatened prairie bush-clover. Although this species historically existed in Sioux County, there are no extant records of this species in Sioux County (USFWS 1988). Also, the area is continuously disturbed due to the maintenance of both left and right bank levees; therefore, it is unlikely growing conditions are favorable for this species; 2) NO AFFECT to the threatened western prairie fringed orchid. Dry Creek lies between two levees that are regularly mowed. Similar to the prairie bush clover, the continuous disturbance of the project area provides unfavorable growing conditions for this species.

Also, to minimize impacts to migratory birds and their nests, clearing and grubbing activities would occur within the winter months, outside of the migratory bird season. Should clearing and grubbing occur within the migratory bird nesting season, a qualified biologist would conduct a field survey of the proposed project area to determine the presence or absence of nesting migratory birds. If any nesting migratory birds are identified, the USFWS and IDNR would be contacted immediately for guidance and assistance on how to proceed to avoid impacts to nesting birds. Do you concur with these acquisitions/ actions?

Mr. Pete Hildreth: Do you and your staff have any comments or concerns regarding state fish and wildlife resources? As previously mentioned above, impacts to migratory birds and their nests would be minimized by performing clearing and grubbing activities in winter, outside of the migratory bird season. Should clearing and grubbing occur within the migratory bird nesting season, a qualified biologist would conduct a field survey of the proposed project area to determine the presence or absence of nesting migratory birds. If any nesting migratory birds are identified, the USFWS and IDNR would be contacted immediately for guidance and assistance on how to proceed to avoid impacts to nesting birds.

Ms. Christine Schwake: Since we are proposing maintenance to an existing project features and the project is estimated to impact no more than 0.1 acre of waters in the U.S., the Corps is proposing the use of a Nationwide Permit 3. Do you concur?

Ms. Kelly Poole: Since the proposed maintenance will take place on land in the State of Iowa, we understand that a Sovereign Lands Permit will be required. I will send you the Corps' application once I receive the design and quantities from our engineers.

If you have any questions or require additional information, please do not hesitate to call or email me.

Thank you,
Amanda Ciurej

Environmental Resources Specialist
U.S. Army Corps of Engineers, Omaha District
Planning Branch, CENWO-PM-AC
1616 Capitol Avenue
Omaha, Nebraska 68102

Coordination with IDNR regarding Sovereign Lands Construction Permit/ Floodplain Development Permit

Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

November 14, 2014

AMANDA CIUREJ
US ARMY CORP OF ENGINEERS
1616 CAPITAL AVE STE 9000
OMAHA NE 68102

RE: Dry Creek Flood Risk Reduction Project; Repair of Scour Holes and Bank Reshaping (Dry Creek)
SW ¼ of the NW ¼ of Section 2, T94N, R48W; within the corporate limits of the City of Hawarden, Sioux County, Iowa

Dear Ms. Ciurej:

This letter is in response to your recent Flood Plain Development Permit application for the above referenced project.

The Department regulates stream bank stabilization projects on some streams. However, a Flood Plain Development Permit is only required for such work on streams in urban areas if the stream drains more than 2 square miles and less than 100 square and reduces the channel cross section by more than 3% at the project site. The project drains approximately 49 square miles but does not reduce the channel cross section by more than 3%. Therefore, the proposed project site falls below our Administrative thresholds and thus, a Flood Plain Development Permit is not required from the Department provided that all excess spoil material resulting from the project shall be removed from the flood plain. In addition, spoil material should not be placed in an area that is, or could be, classified as a regulated wetland.

The applicant is responsible for complying with all other local, state and federal statutes, ordinances, rules and permit requirements applicable to the construction, operation and maintenance of the approved works. The project may require a Section 404 Permit from the U. S. Army Corps of Engineers. Please note that the project does not require a Sovereign Lands Construction Permit from the Department.

502 EAST 9th STREET / DES MOINES, IOWA 50319-0034
PHONE 515-281-5918 FAX 515-281-8895 www.iowadnr.gov
81114 FIC Signoff

Thank you for your patience and cooperation. If you should have any questions, please feel free to call me at 515-281-6906. Please note that effective November 24, 2014 my phone number will change to 515-725-8306.

Sincerely,

James A. Hallmark, P.E.
Environmental Engineer
Flood Plain Management and Dam Safety Section

Copies: -Field Office #3
-Ward Lenz; Rock Island District, U.S. Army Corps of Engineers;
P.O. Box 2004; Rock Island, IL 61204-2004
-Gary Tucker; City Administrator/Clerk; City of Hawarden;
1150 Central Avenue; Hawarden, Iowa 51023-1815
-WR 81114

APPENDIX C

ENVIRONMENTAL COMPLIANCE GREEN SHEET
STATUS OF ENVIRONMENTAL COMMITMENTS

ENVIRONMENTAL COMPLIANCE GREEN SHEET
Status of Environmental Commitments
(4 Commitments for Inclusion into the Plans and Specifications)

Project Name: PL 84-99 Hawarden, Iowa Dry Creek Flood Risk Reduction Project

Location: Dry Creek located south of Hawardan, Iowa in Sioux County

Point of Contact: Amanda Ciurej, Environmental Resources Specialist, (402) 995-2897, U.S. Army Corps of Engineers, CENWO-PM-AC, 1616 Capitol Avenue, Omaha, Nebraska 68102. If no response, please contact: Eric Laux, Chief, Planning (402) 995- 2682.

The environmental commitments identified below have been extracted from the *Public Law 84-99 Rehabilitation Program, Hawarden, Iowa Dry Creek Flood Risk Reduction Project Tiered Environmental Assessment*, dated November 2014, to repair bank erosion and a scour hole in the channel invert of Dry Creek. These conditions were established in the tiered EA in order to obtain a FONSI, and must be included in the plans and specifications and met during construction. These environmental commitments must be implemented to ensure the FONSI remains valid. Please ensure a date and signature from the Point of Contact is obtained for each Environmental Commitment listed below and that this form is returned to the U.S. Army Corps of Engineer's Planning Branch (at address above) upon completion of each commitment.

1. Section 3.3 Migratory Birds. To minimize potential impacts to migratory birds and their nests, the clearing and grubbing of vegetation would occur outside of the sensitive migratory bird nesting season. Should clearing and grubbing be proposed within the sensitive migratory bird nesting season (February 1st to July 15th), a qualified biologist would conduct a field survey of the affected habitats not more than five days prior to construction to determine the presence or absence of nesting migratory birds. If nesting migratory birds are identified, the USFWS and IDNR would be contacted immediately for guidance and assistance on how to proceed in order to avoid impacting nesting birds.

_____
Date & Signature

2. Section 3.1 Water Quality. BMPs required by the NPDES permit (*i.e.*, silt trapping devices) would be implemented as required to minimize turbidity. To prevent the unintentional introduction of contaminants to the waterway from construction work, additional BMPs such as using properly cleaned equipment, storing petroleum products in bermed areas out of the watershed and covering stock-piled materials would be implemented. Following construction, areas disturbed and not otherwise hard-surfaced would be topsoiled and stabilized with a native seed mixture to minimize erosion.

_____
Date & Signature

----------CONTINUED ON PAGE 2----------

ENVIRONMENTAL COMPLIANCE GREEN SHEET
Status of Environmental Commitments
(CONTINUED)

Project Name: PL 84-99 Hawarden, Iowa Dry Creek Flood Risk Reduction Project

Location: Dry Creek located south of Hawardan, Iowa in Sioux County

3. Section 3.5 Cultural Resources. In the unlikely event of an unanticipated discovery of cultural resources, construction work would be halted immediately and a Corps Omaha District Archeologist would be notified. The construction work would not be reinitiated until the area is inspected by the archeologist and he or she determines it is safe to do so. If he or she determines that the discovery requires further consultation, the appropriate State Historic Preservation Office would be notified.

_____
Date & Signature

4. General BMPs to reduce construction-related impacts on the human environment. To minimize impacting the human environment, construction teams shall not idle construction equipment when not immediately needed for construction purposes to reduce noise impacts and reduce particulate matter. Additionally, construction teams shall water or mulch stock-piled materials to reduce wind-blown dust and particulates, use silt trapping devices to reduce sediments from entering area rivers and streams, wash construction equipment to prevent the spread of noxious materials, maintain construction equipment to prevent oil and fluid leaks, and store all potential hazardous materials (gasoline, hydraulic fluids, etc.) in upland areas that are confined within berms in order to contain spills and prevent impacts to the surrounding environment.

_____
Date & Signature

----------END----------

APPENDIX D

STATE OF IOWA SECTION 401 WATER QUALITY CERTIFICATION AND NATIONWIDE PERMIT 3 GENERAL CONDITIONS

IOWA WQC NWP

Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

April 18, 2012

Mr. Ward Lenz
Chief, Regulatory Branch
Rock Island District Corps of Engineers
Clock Tower Building – PO BOX 2004
Rock Island, IL 61204-2004

Subject: Section 401 Water Quality Certification for the 2012 Nationwide Permits

Dear Mr. Lenz,

The Environmental Protection Commission granted Section 401 Water Quality Certification for the 2012 Nationwide Permits on April 17, 2012. An administrative rule reflecting the Commission's actions was adopted and has an effective date of June 20, 2012.

Based on the inclusion of the 6 Iowa Regional Conditions, the Iowa Department of Natural Resources is issuing Section 401 Water Quality Certification for the 2012 Nationwide Permits with the following conditions:

- For projects that impact an outstanding national resource water, outstanding Iowa water, fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required.

- For nationwide permits when the Corps' district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required.

- Heavy equipment shall not be used or operated within the stream channel. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.

For any project that occurs on a water body listed in the Iowa Department of Natural Resources (IDNR) "Special Waters of Concern" list, attached, the Corps of Engineers will contact the IDNR for project-specific comments/conditions to protect the water quality/aquatic resources of the site prior to finalizing the permit decision.

In accordance with the Iowa antidegradation rules, an individual Section 401 Water Quality Certification will be required for any project occurring within an Outstanding Iowa Water or its designated watershed/drainage area. The list and maps of the Outstanding Iowa Waters

and their designated watersheds/drainage areas can be found on the IDNR website http://www.iowadnr.gov/InsideDNR/RegulatoryWater/WetlandsPermitting.aspx.

Best management practices must be used to prevent and control spills of hazardous substances and if there is a release, it must be immediately reported to the Iowa Department of Natural Resources at 515-281-8694.

We would like to ask the Corps to encourage applicants to use natural channel design principles and bioengineering techniques when the project involves reconstructing stream channels. This will help restore or enhance the habitat values of the reconstructed stream channel.

If you have any questions or comments regarding this Section 401 Water Quality Certification, please contact me at the address shown below or call (515) 281-6615.

Sincerely,

Christine M. Schwake

Christine M. Schwake
Environmental Specialist

Attachment

Iowa Special Waters of Concern

Coordinate for comments:

Mississippi River

Missouri River

Category 4c 303(d) list water bodies (most-recently EPA-approved)

Coordinate for Section 401 Water Quality Certification:

Outstanding national resource waters (currently Iowa doesn't have any)

Outstanding Iowa waters

Fens

Bogs

Seeps

Sedge Meadows

Category 4c Impaired Waters

County(ies)	Water body	Location
Adams	Binder Lake	S25, T72N, R34W
Boone & Dallas	Little Beaver Creek	S14, T81N, R27W (Dallas) to S29, T82N, R27W (Boone)
Cherokee & Ida	Maple River	S13, T88N, R40W (Ida) to S5, T91N, R39W (Cherokee)
Cherokee	Maple Creek	S5, T91N, R39W to S1, T91N, R39W
Clarke	South White Breast Creek	S3, T71N, R24W to headwaters
Clayton	Roberts Creek	S25, T94N, R5W to S16, T94N, R5W
Dallas & Boone	Little Beaver Creek	S14, T81N, R27W (Dallas) to S29, T82N, R27W (Boone)
Des Moines	Allen Green Refuge Marsh	S29, T72N, R1W
Fremont	Missouri River	Entire length
Guthrie	Lakin Slough	S34, T81N, R30W
Harrison	Round Lake	S13, T80N, R45W
Harrison	Missouri River	Entire length
Harrison & Shelby	Mosquito Creek	S9, T78N, R41W (Harrison) to NW 1/4, S12, T80N, R40W (Shelby)
Ida & Cherokee	Maple River	S13, T88N, R40W (Ida) to S5, T91N, R39W (Cherokee)
Ida	Halfway Creek	S22, T89N, R39W to SE 1/4, S24, T89N, R39W
Jasper & Poweshiek	North Skunk River	S20, T78N, R16W (Poweshiek) to S22, T81N, R19W (Jasper)
Kossuth & Winnebago	Little Buffalo Cr. (aka N. Buffalo)	S4, T97N, R27W (Kossuth) to S5, T98N, R26W (Winnebago)
Louisa	Klum Lake	S25, T75N, R2W
Lucas	White Breast Creek	S11, T73N, R22W to S22, T72N, R23W
Mahaska & Marion	Des Moines River	S33, T75N, R17W (Mahaska) to S19, T76N, R18W (Marion)
Marion & Mahaska	Des Moines River	S33, T75N, R17W (Mahaska) to S19, T76N, R18W (Marion)
Mills	Missouri River	Entire length
Monona	Missouri River	Entire length
Monona	Badger Lake	S29, T85N, R46W
Monona	Blencoe Lake	S31, T82N, R45W
Monona	Upper Blencoe Lake	S7, T82N, R46W
Monona	Rabbit Island Lake	S28, T85N, R47W
Pocahontas	Little Clear Lake	S6, T91N, R34W
Pottawattamie	Missouri River	Entire length
Poweshiek & Jasper	North Skunk River	S20, T78N, R16W (Poweshiek) to S22, T81N, R19W (Jasper)
Sac	Black Hawk Wildlife Area	S9, T86N, R36W
Shelby & Harrison	Mosquito Creek	S9, T78N, R41W (Harrison) to NW 1/4, S12, T80N, R40W (Shelby)
Winnebago & Kossuth	Little Buffalo Cr. (aka N. Buffalo)	S4, T97N, R27W (Kossuth) to S5, T98N, R26W (Winnebago)
Woodbury	Missouri River	Entire length

Nationwide Permit 3

Maintenance

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and/or the placement of new or additional riprap to protect the structure. The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. The placement of new or additional riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the district engineer.

(c) This NWP also authorizes temporary structures, fills, and work necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in

their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

(Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the

Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.noaa.gov/fisheries.html respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the

National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. <u>Discovery of Previously Unknown Remains and Artifacts</u>. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. <u>Designated Critical Resource Waters</u>. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves.

The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not

practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous

wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. <u>Compliance Certification</u>. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

<u>Further Information</u>

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

2012 Nationwide Permits
Regional Conditions
Omaha District
State of Nebraska

The following Nationwide Permit regional conditions will be used in the State of Nebraska. Regional conditions are placed on Nationwide Permits to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

Wetlands Classified as Peatlands – Preconstruction Notification Requirement

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity in peatlands found in Nebraska.
"Peatlands" are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

Waters Adjacent to Natural Springs – Pre-Construction Notification Requirement

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located within 100 feet of the water source in natural spring areas.

For the purpose of this condition, a spring water source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source of waters. Springs do not include drain tile outlets.

Rainwater Basin Wetlands – Pre-construction Notification Requirement

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity in any traditional Rainwater Basin wetland found in the 17-county Rainwater Basin area of south central Nebraska. The following link provides a map showing the general location of the Rainwater Basin geographic area: http://www.fws.gov/rainwater/ .

Eastern Saline Wetlands, Salt Creek and its tributaries, including Rock Creek and its tributaries, in Saunders and Lancaster Counties – Pre-construction Notification Requirement

a. For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity in any Eastern Saline wetland, Salt Creek and its tributaries, including Rock Creek and its tributaries, found in Saunders or Lancaster Counties. The map located at the end of this document shows the Salt Creek Tiger Beetle recovery areas and projects in these areas will receive additional scrutiny.
b. All mitigation involving Eastern Saline wetlands shall be pursuant to the Eastern Saline Mitigation Guidelines. The Guidelines can be found at: http://www.nwo.usace.army.mil/html/od-rne/mitbanking.html.

Missouri River – Pre-construction Notification Requirement

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity on the Missouri River.

North Platte River, South Platte River, Platte River, Loup River, Elkhorn River, Republican River and all jurisdictional Class A State Resource Waters – Pre-construction Notification Requirement

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located on the above named rivers and waters. A list of Class A State Resource Waters can be found at:
http://www.deq.state.ne.us/RuleAndR.nsf/23e5e39594c064ee852564ae004fa010/9f07eae313ae56d686256888005bc61e/$FILE/Wqs05.pdf

Taylor Creek (and tributaries), Big and Brush Creeks (and tributaries), and Union Creek (and tributaries) – Pre-construction Notification Requirement

For all Nationwide permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located on Taylor Creek and its associated tributaries in Madison County, Big and Brush Creeks and their associated tributaries in Cherry County and the segment of Union Creek and its associated tributaries in Madison and Stanton Counties located in an area that is bounded by Highway 121 to the west, Highway 57 to the east, the Platte County line to the south and 833 Road (main east-west road between Enola and Stanton, Nebraska) to the north.

Wild and Scenic Rivers, National River Inventory Rivers – Pre-construction Notification Requirement

For all Nationwide Permits, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity located on the Niobrara National Scenic River, the Missouri National Recreational River or any National River Inventory river.
The following link provides a map showing the location of the Niobrara National Scenic River:
http://www.nps.gov/carto/PDF/NIOBmap1.pdf
The following link provides a map showing the location of the Missouri National Recreational River:
http://www.nps.gov/mnrr/planyourvisit/maps.htm
The following link provides a map showing the location of the Nebraska rivers listed on the National River Inventory list: http://www.nps.gov/ncrc/programs/rtca/nri/states/ne.html

Borrow Site Identification – All Nationwide Permits

The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead Federal agency, the permittee shall provide the Corps documentation indicating that the lead Federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

Revegetation of Disturbed Areas – All Nationwide Permits

a. All areas adjacent (contiguous, bordering, neighboring) to jurisdictional waters disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. *Phalaris arundinacea* (Reed Canary Grass), *Lythrum salicaria* (Purple Loosestrife), *Bromus inermus* (Smooth Brome), *Phragmites, sp.* (Common Reed, River Reed) and *Tamarix, sp.* (Salt Cedar), are *NOT* appropriate choices of vegetation. A cover crop may be planted to aid in the establishment of native vegetation. The disturbed areas shall be reseeded concurrent with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of desirable species reaches 75%. If this seeding cannot be accomplished by September 15 the year of project completion, then an erosion blanket shall be placed on the disturbed areas. The erosion blanket shall remain in place until ground cover of desirable species reaches 75%. If the seeding can be accomplished by September 15, all seeded areas shall be properly mulched to prevent additional erosion.

b. When the vegetation has become established, all temporary erosion control materials shall be removed from the project site. Biodegradable or photodegradable materials need not be removed.

Temporary Structures/Work/Fill – All Nationwide Permits

a. The use of dredged material in the construction of temporary structures or used for temporary work or used as temporary fill shall not be allowed. The term "dredged material" means material that is excavated or dredged from waters of the U.S. All temporary fill material shall be obtained from an upland source.
b. Plans for the temporary structure/work/fill shall be submitted to and approved by the Nebraska Regulatory Office prior to the commencement of construction.
c. At the completion of the construction activity, all temporary fill material shall be removed in its entirety from the water of the U. S. to an upland area and the affected area shall be restored to its pre-construction condition.
d. The Nebraska Regulatory Office shall be notified with documentation (i.e. photos) when the site has been restored to its pre-project condition.

Stream Channelization Projects – All Nationwide Permits

Stream channelization is defined as "The manipulation of a stream's course, condition, capacity or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States."

a. For all Nationwide Permits that allow channelization activities, the following conditions shall apply:

(1) The net loss of stream channel length shall not exceed 100 linear feet; and
(2) No more than a total of 300 feet of channel shall be impacted.

b. Buffer strips shall be set aside along both sides of the channel no less than 50 feet from the top of each side slope landward. The buffer strips shall be planted to a mixture of perennial, native grasses, forbs and trees required for tree mitigation and maintained in this condition. Reed Canary Grass (*Phalaris arundinacea)*, Purple Loosestrife (*Lythrum salicaria*) and Smooth Brome (*Bromus inermus*) are *NOT* appropriate choices of vegetation. Revegetation will be acceptable when ground cover of desirable species reaches 75%.

c. The Corps may allow a waiver of this condition on a case-by-case basis if the Corps determines the activity will result in only minimal adverse effects. The applicant must request the waiver in writing and provide documentation and environmentally based reasons to support the waiver request. The Corps will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects.

REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS

Nationwide Permit 13 – Bank Stabilization – Pre-construction Notification Requirement

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #13.

Nationwide Permit 16 – Return Water From Upland Contained Disposal Areas – Pre-construction Notification Requirement

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #16.

Nationwide Permit 23 - Approved Categorical Exclusions – Pre-construction Notification Requirement

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #23. In addition to information required by General Condition #31, the applicant must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

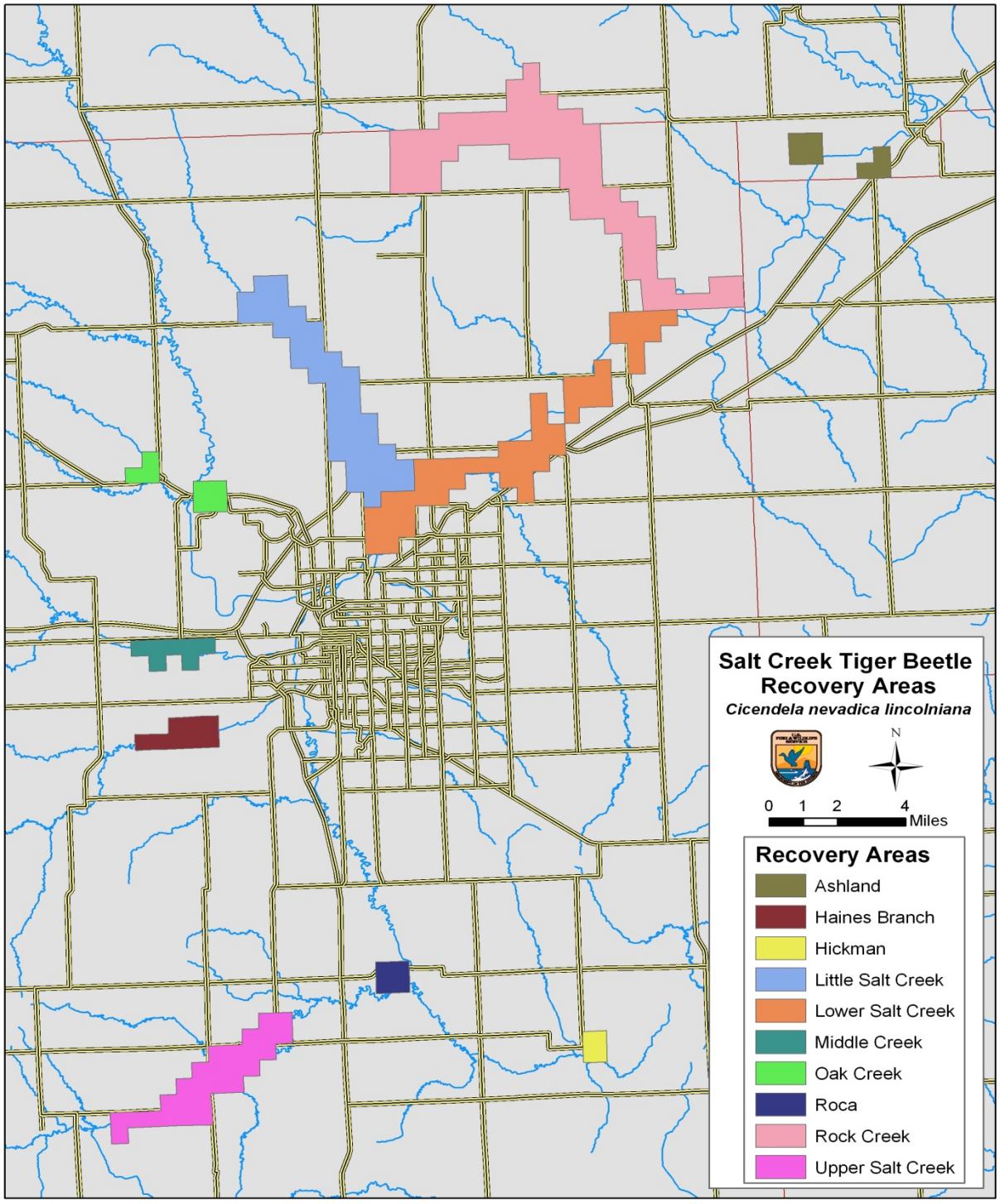
Nationwide Permit 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities – Pre-construction Notification Requirement

All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition #31 prior to initiating any regulated activity under Nationwide Permit #27.

GENERAL CONDITIONS (REGIONAL ADDITIONS)

General Condition 6 - Suitable Material

Permittees are reminded of General Condition #6 which prohibits the use of unsuitable material. A list of materials prohibited or restricted as fill material in waters of the United States within Nebraska can be found at http://www.nwo.usace.army.mil/html/od-rne/nehome.html.


Salt Creek Tiger Beetle Recovery Areas
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0 1 2 4
Miles
Recovery Areas
Ashland
Haines Branch
Hickman
Little Salt Creek
Lower Salt Creek
Middle Creek
Oak Creek
Roca
Rock Creek
Upper Salt Creek